

114TH CONGRESS
2D SESSION

S. 2658

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2016 through 2017, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2016

Mr. THUNE (for himself, Mr. NELSON, Ms. AYOTTE, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2016 through 2017, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Federal Aviation Administration Reauthorization Act of
6 2016”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. References to title 49, United States Code.
- Sec. 3. Definition of appropriate committees of Congress.
- Sec. 4. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

- Sec. 1001. Airport planning and development and noise compatibility planning and programs.
- Sec. 1002. Air navigation facilities and equipment.
- Sec. 1003. FAA operations.
- Sec. 1004. FAA research and development.
- Sec. 1005. Funding for aviation programs.
- Sec. 1006. Extension of expiring authorities.

Subtitle B—Airport Improvement Program Modifications

- Sec. 1201. Small airport regulation relief.
- Sec. 1202. Priority review of construction projects in cold weather States.
- Sec. 1203. State block grants updates.
- Sec. 1204. Contract Tower Program updates.
- Sec. 1205. Approval of certain applications for contract tower program.
- Sec. 1206. Remote towers.
- Sec. 1207. Midway Island airport.
- Sec. 1208. Airport road funding.
- Sec. 1209. Repeal of inherently low-emission airport vehicle pilot program.
- Sec. 1210. Modification of zero-emission airport vehicles and infrastructure pilot program.
- Sec. 1211. Repeal of airport ground support equipment emissions retrofit pilot program.
- Sec. 1212. Funding eligibility for airport energy efficiency assessments.
- Sec. 1213. Recycling plans; safety projects at unclassified airports.
- Sec. 1214. Transfers of instrument landing systems.
- Sec. 1215. Non-movement area surveillance pilot program.
- Sec. 1216. Amendments to definitions.
- Sec. 1217. Clarification of noise exposure map updates.
- Sec. 1218. Provision of facilities.
- Sec. 1219. Contract weather observers.
- Sec. 1220. Federal share adjustment.
- Sec. 1221. Miscellaneous technical amendments.

Subtitle C—Passenger Facility Charges

- Sec. 1301. PFC streamlining.
- Sec. 1302. Intermodal access projects.
- Sec. 1303. Use of revenue at a previously associated airport.
- Sec. 1304. Future aviation infrastructure and financing study.

TITLE II—SAFETY

Subtitle A—Unmanned Aircraft Systems Reform

- Sec. 2001. Definitions.

PART I—PRIVACY AND TRANSPARENCY

- Sec. 2101. Unmanned aircraft systems privacy policy.

- Sec. 2102. Sense of Congress.
- Sec. 2103. Federal Trade Commission authority.
- Sec. 2104. National Telecommunications and Information Administration multi-stakeholder process.
- Sec. 2105. Identification standards.
- Sec. 2106. Commercial and governmental operators.
- Sec. 2107. Analysis of current remedies under Federal, State, local jurisdictions.

PART II—UNMANNED AIRCRAFT SYSTEMS

- Sec. 2121. Definitions.
- Sec. 2122. Utilization of unmanned aircraft system test sites.
- Sec. 2123. Additional research, development, and testing.
- Sec. 2124. Safety standards.
- Sec. 2125. Unmanned aircraft systems in the Arctic.
- Sec. 2126. Special authority for certain unmanned aircraft systems.
- Sec. 2127. Additional rulemaking authority.
- Sec. 2128. Governmental unmanned aircraft systems.
- Sec. 2129. Special rules for model aircraft.
- Sec. 2130. Unmanned aircraft systems aeronautical knowledge and safety.
- Sec. 2131. Safety statements.
- Sec. 2132. Treatment of unmanned aircraft operating underground.
- Sec. 2133. Enforcement.
- Sec. 2134. Aviation emergency safety public services disruption.
- Sec. 2135. Pilot project for airport safety and airspace hazard mitigation.
- Sec. 2136. Contribution to financing of regulatory functions.
- Sec. 2137. Sense of Congress regarding small UAS rulemaking.
- Sec. 2138. Unmanned aircraft system traffic management.
- Sec. 2139. Emergency exemption process.
- Sec. 2140. Public UAS operations by tribal governments.

PART III—TRANSITION AND SAVINGS PROVISIONS

- Sec. 2141. Senior advisor for unmanned aircraft systems integration.
- Sec. 2142. Effect on other laws.
- Sec. 2143. Transition language.

Subtitle B—FAA Safety Certification Reform

PART I—GENERAL PROVISIONS

- Sec. 2211. Definitions.
- Sec. 2212. Safety oversight and certification advisory committee.

PART II—AIRCRAFT CERTIFICATION REFORM

- Sec. 2221. Aircraft certification performance objectives and metrics.
- Sec. 2222. Organization designation authorizations.
- Sec. 2223. ODA review.
- Sec. 2224. Type certification resolution process.
- Sec. 2225. Safety enhancing technologies for small general aviation airplanes.
- Sec. 2226. Streamlining certification of small general aviation airplanes.

PART III—FLIGHT STANDARDS REFORM

- Sec. 2231. Flight standards performance objectives and metrics.
- Sec. 2232. FAA task force on flight standards reform.

- Sec. 2233. Centralized safety guidance database.
- Sec. 2234. Regulatory Consistency Communications Board.
- Sec. 2235. Flight standards service realignment feasibility report.
- Sec. 2236. Additional certification resources.

PART IV—SAFETY WORKFORCE

- Sec. 2241. Safety workforce training strategy.
- Sec. 2242. Workforce study.

PART V—INTERNATIONAL AVIATION

- Sec. 2251. Promotion of United States aerospace standards, products, and services abroad.
- Sec. 2252. Bilateral exchanges of safety oversight responsibilities.
- Sec. 2253. FAA leadership abroad.
- Sec. 2254. Registration, certification, and related fees.

Subtitle C—Airline Passenger Safety and Protections

- Sec. 2301. Pilot records database deadline.
- Sec. 2302. Access to air carrier flight decks.
- Sec. 2303. Aircraft tracking and flight data.
- Sec. 2304. Automation reliance improvements.
- Sec. 2305. Enhanced mental health screening for pilots.
- Sec. 2306. Flight attendant duty period limitations and rest requirements.
- Sec. 2307. Training flight attendants to identify human trafficking.
- Sec. 2308. Report on obsolete test equipment.
- Sec. 2309. Plan for systems to provide direct warnings of potential runway incursions.
- Sec. 2310. Laser pointer incidents.
- Sec. 2311. Helicopter air ambulance operations data and reports.
- Sec. 2312. Part 135 accident and incident data.
- Sec. 2313. Definition of human factors.
- Sec. 2314. Sense of Congress; pilot in command authority.
- Sec. 2315. Enhancing ASIAs.
- Sec. 2316. Improving runway safety.
- Sec. 2317. Safe air transportation of lithium cells and batteries.

Subtitle D—General Aviation Safety

- Sec. 2401. Automated weather observing systems policy.
- Sec. 2402. Tower marking.
- Sec. 2403. Crash-resistant fuel systems.

Subtitle E—General Provisions

- Sec. 2501. Designated agency safety and health officer.
- Sec. 2502. Repair stations located outside United States.
- Sec. 2503. FAA technical training.
- Sec. 2504. Safety critical staffing.

Subtitle F—Third Class Medical Reform and General Aviation Pilot Protections

- Sec. 2601. Short title.
- Sec. 2602. Medical certification of certain small aircraft pilots.
- Sec. 2603. Expansion of pilot's bill of rights.

- Sec. 2604. Limitations on reexamination of certificate holders.
- Sec. 2605. Expediting updates to NOTAM program.
- Sec. 2606. Accessibility of certain flight data.
- Sec. 2607. Authority for legal counsel to issue certain notices.

TITLE III—AIR SERVICE IMPROVEMENTS

- Sec. 3001. Definitions.

Subtitle A—Passenger Air Service Improvements

- Sec. 3101. Causes of airline delays or cancellations.
- Sec. 3102. Involuntary changes to itineraries.
- Sec. 3103. Additional consumer protections.
- Sec. 3104. Addressing the needs of families of passengers involved in aircraft accidents.
- Sec. 3105. Emergency medical kits.
- Sec. 3106. Travelers with disabilities.
- Sec. 3107. Extension of Advisory Committee for Aviation Consumer Protection.
- Sec. 3108. Extension of competitive access reports.
- Sec. 3109. Refunds for delayed baggage.
- Sec. 3110. Refunds for other fees that are not honored by a covered air carrier.
- Sec. 3111. Disclosure of fees to consumers.
- Sec. 3112. Seat assignments.
- Sec. 3113. Child seating.
- Sec. 3114. Consumer complaint process improvement.
- Sec. 3115. Online access to aviation consumer protection information.
- Sec. 3116. Study on in cabin wheelchair restraint systems.
- Sec. 3117. Training policies regarding assistance for persons with disabilities.
- Sec. 3118. Advisory committee on the air travel needs of passengers with disabilities.
- Sec. 3119. Report on covered air carrier change and cancellation fees.
- Sec. 3120. Enforcement of aviation consumer protection rules.
- Sec. 3121. Dimensions for passenger seats.

Subtitle B—Essential Air Service

- Sec. 3201. Essential air service.
- Sec. 3202. Small community air service development program.
- Sec. 3203. Small community program amendments.
- Sec. 3204. Waivers.
- Sec. 3205. Working group on improving air service to small communities.

TITLE IV—NEXTGEN AND FAA ORGANIZATION

- Sec. 4001. Definitions.

Subtitle A—Next Generation Air Transportation System

- Sec. 4101. Return on investment assessment.
- Sec. 4102. Ensuring FAA readiness to use new technology.
- Sec. 4103. NextGen metrics report.
- Sec. 4104. Facility outage contingency plans.
- Sec. 4105. ADS-B mandate assessment.
- Sec. 4106. NextGen interoperability.
- Sec. 4107. NextGen transition management.
- Sec. 4108. Implementation of NextGen operational improvements.

Sec. 4109. Cybersecurity.
 Sec. 4110. Defining NextGen.
 Sec. 4111. Human factors.
 Sec. 4112. Major acquisition reports.
 Sec. 4113. Equipage mandates.
 Sec. 4114. Workforce.
 Sec. 4115. Architectural leadership.
 Sec. 4116. Programmatic risk management.

Subtitle B—Administration Organization and Employees

Sec. 4121. Cost-saving initiatives.
 Sec. 4122. Treatment of essential employees during furloughs.
 Sec. 4123. Controller candidate interviews.
 Sec. 4124. Hiring of air traffic controllers.

TITLE V—MISCELLANEOUS

Sec. 5001. National Transportation Safety Board investigative officers.
 Sec. 5002. Performance-based navigation.
 Sec. 5003. Overflights of national parks.
 Sec. 5004. Navigable airspace analysis for commercial space launch site runways.
 Sec. 5005. Survey and report on spaceport development.
 Sec. 5006. Aviation fuel.
 Sec. 5007. Comprehensive Aviation Preparedness Plan.
 Sec. 5008. Advanced Materials Center of Excellence.
 Sec. 5009. Interference with airline employees.
 Sec. 5010. Technical and conforming amendments.

1 **SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.**

2 Except as otherwise expressly provided, wherever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-
 5 sion, the reference shall be considered to be made to a
 6 section or other provision of title 49, United States Code.

7 **SEC. 3. DEFINITION OF APPROPRIATE COMMITTEES OF**
 8 **CONGRESS.**

9 In this Act, the term “appropriate committees of
 10 Congress” means the Committee on Commerce, Science,
 11 and Transportation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives.

3 **SEC. 4. EFFECTIVE DATE.**

4 Except as otherwise expressly provided, this Act and
5 the amendments made by this Act shall take effect on the
6 date of enactment of this Act.

7 **TITLE I—AUTHORIZATIONS**
8 **Subtitle A—Funding of FAA**
9 **Programs**

10 **SEC. 1001. AIRPORT PLANNING AND DEVELOPMENT AND**
11 **NOISE COMPATIBILITY PLANNING AND PRO-**
12 **GRAMS.**

13 (a) AUTHORIZATION.—Section 48103(a) is amended
14 by striking “section 47505(a)(2), and carrying out noise
15 compatibility programs under section 47504(c)
16 \$3,350,000,000 for each of fiscal years 2012 through
17 2015 and \$1,675,000,000 for the period beginning on Oc-
18 tober 1, 2015, and ending on March 31, 2016” and insert-
19 ing “section 47505(a)(2), carrying out noise compatibility
20 programs under section 47504(c), for an airport coopera-
21 tive research program under section 44511, for Airports
22 Technology-Safety research, and Airports Technology-Ef-
23 ficiency research, \$3,350,000,000 for fiscal year 2016 and
24 \$3,750,000,000 for fiscal year 2017”.

1 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)
2 is amended in the matter preceding paragraph (1) by
3 striking “After March 31, 2016” and inserting “After
4 September 30, 2017”.

5 **SEC. 1002. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
7 48101(a) is amended by striking paragraphs (1) through
8 (5) and inserting the following:

9 “(1) \$2,855,241,025 for fiscal year 2016.

10 “(2) \$2,862,020,524 for fiscal year 2017.”.

11 **SEC. 1003. FAA OPERATIONS.**

12 (a) IN GENERAL.—Section 106(k)(1) is amended by
13 striking subparagraphs (A) through (E) and inserting the
14 following:

15 “(A) \$9,910,009,314 for fiscal year 2016;

16 and

17 “(B) \$10,025,361,111 for fiscal year
18 2017.”.

19 (b) AUTHORIZED EXPENDITURES.—Section
20 106(k)(2) is amended by striking “for fiscal years 2012
21 through 2015” each place it appears and inserting “for
22 fiscal years 2016 through 2017”.

23 (c) AUTHORITY TO TRANSFER FUNDS.—Section
24 106(k)(3) is amended by striking “2012 through 2015
25 and for the period beginning on October 1, 2015, and end-

1 ing on March 31, 2016” and inserting “2016 through
2 2017”.

3 **SEC. 1004. FAA RESEARCH AND DEVELOPMENT.**

4 Section 48102 is amended—

5 (1) in subsection (a)—

6 (A) in the matter preceding paragraph

7 (1)—

8 (i) by striking “44511-44513” and in-
9 serting “44512-44513”; and

10 (ii) by striking “and, for each of fiscal
11 years 2012 through 2015, under sub-
12 section (g)”;

13 (B) in paragraph (8), by striking “; and”
14 and inserting a semicolon; and

15 (C) by striking paragraph (9) and insert-
16 ing the following:

17 “(9) \$166,000,000 for fiscal year 2016; and

18 “(10) \$169,000,000 for fiscal year 2017.”; and

19 (2) in subsection (b), by striking paragraph (3).

20 **SEC. 1005. FUNDING FOR AVIATION PROGRAMS.**

21 (a) AIRPORT AND AIRWAY TRUST FUND GUAR-
22 ANTEE.—Section 48114(a)(1)(A) is amended to read as
23 follows:

24 “(A) IN GENERAL.—The total budget re-
25 sources made available from the Airport and

1 Airway Trust Fund each fiscal year under sec-
2 tions 48101, 48102, 48103, and 106(k)—

3 “(i) shall in each of fiscal years 2014
4 through 2017, be equal to the sum of—

5 “(I) 90 percent of the estimated
6 level of receipts plus interest credited
7 to the Airport and Airway Trust
8 Fund for that fiscal year; and

9 “(II) the actual level of receipts
10 plus interest credited to the Airport
11 and Airway Trust Fund for the sec-
12 ond preceding fiscal year minus the
13 total amount made available for obli-
14 gation from the Airport and Airway
15 Trust Fund for the second preceding
16 fiscal year; and

17 “(ii) may be used only for the aviation
18 investment programs listed in subsection
19 (b)(1).”.

20 (b) ENFORCEMENT OF GUARANTEES.—Section
21 48114(c)(2) is amended by striking “2016” and inserting
22 “2017”.

23 **SEC. 1006. EXTENSION OF EXPIRING AUTHORITIES.**

24 (a) DISCRETIONARY FUND; MARSHALL ISLANDS, MI-
25 CRONESIA, AND PALAU.—Section 47115(j) is amended by

1 striking “2015 and for the period beginning on October
 2 1, 2015, and ending on March 31, 2016,” and inserting
 3 “2017”.

4 (b) EXTENSION OF COMPATIBLE LAND USE PLAN-
 5 NING AND PROJECTS BY STATE AND LOCAL GOVERN-
 6 MENTS.—Section 47141(f) is amended by striking “March
 7 31, 2016” and inserting “September 30, 2017”.

8 (c) INSPECTOR GENERAL REPORT ON PARTICIPA-
 9 TION IN FAA PROGRAMS BY DISADVANTAGED SMALL
 10 BUSINESS CONCERNS.—Section 140(c)(1) of the FAA
 11 Modernization and Reform Act of 2012 (Public Law 112–
 12 95) is amended by striking “fiscal years 2013 through
 13 2016” and inserting “fiscal years 2016 through 2017”.

14 (d) EXTENSION OF PILOT PROGRAM FOR REDEVEL-
 15 OPMENT OF AIRPORT PROPERTIES.—Section 822(k) of
 16 the FAA Modernization and Reform Act of 2012 (49
 17 U.S.C. 47141 note) is amended by striking “March 31,
 18 2016” and inserting “September 30, 2017”.

19 **Subtitle B—Airport Improvement**
 20 **Program Modifications**

21 **SEC. 1201. SMALL AIRPORT REGULATION RELIEF.**

22 Section 47114(c)(1) is amended by adding at the end
 23 the following:

24 “(G) SPECIAL RULE FOR FISCAL YEARS
 25 2016 THROUGH 2017.—Notwithstanding sub-

1 paragraph (A), the Secretary shall apportion to
2 a sponsor of an airport under that subpara-
3 graph for each of fiscal years 2016 through
4 2017 an amount based on the number of pas-
5 senger boardings at the airport during calendar
6 year 2012 if the airport—

7 “(i) had 10,000 or more passenger
8 boardings during calendar year 2012;

9 “(ii) had fewer than 10,000 passenger
10 boardings during the calendar year used to
11 calculate the apportionment for fiscal year
12 2016 or 2017 under subparagraph (A);
13 and

14 “(iii) had scheduled air service in the
15 calendar year used to calculate the appor-
16 tionment.”.

17 **SEC. 1202. PRIORITY REVIEW OF CONSTRUCTION**
18 **PROJECTS IN COLD WEATHER STATES.**

19 (a) **IN GENERAL.**—The Administrator of the Federal
20 Aviation Administration, to the extent practicable, shall
21 schedule the Administrator’s review of construction
22 projects so that projects to be carried out in the States
23 in which the weather during a typical calendar year pre-
24 vents major construction projects from being carried out
25 before May 1 are reviewed as early as possible.

1 (b) REPORT.—The Administrator shall update the
2 appropriate committees of Congress annually on the effec-
3 tiveness of the review and prioritization.

4 **SEC. 1203. STATE BLOCK GRANTS UPDATES.**

5 Section 47128(a) is amended by striking “9 qualified
6 States for fiscal years 2000 and 2001 and 10 qualified
7 States for each fiscal year thereafter” and inserting “15
8 qualified States for fiscal year 2016 and each fiscal year
9 thereafter”.

10 **SEC. 1204. CONTRACT TOWER PROGRAM UPDATES.**

11 (a) SPECIAL RULE.—Section 47124(b)(1)(B) is
12 amended by striking “after such determination is made”
13 and inserting “after the end of the period described in sub-
14 section (d)(6)(C)”.

15 (b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-
16 SHARE PROGRAM; FUNDING.—Section 47124(b)(3)(E) is
17 amended to read as follows:

18 “(E) FUNDING.—Of the amounts appro-
19 priated under section 106(k)(1), such sums as
20 may be necessary may be used to carry out this
21 paragraph.”.

22 (c) CAP ON FEDERAL SHARE OF COST OF CON-
23 STRUCTION.—Section 47124(b)(4)(C) is amended by
24 striking “\$2,000,000” and inserting “\$4,000,000”.

1 (d) COST BENEFIT RATIO REVISION.—Section
2 47124 is amended by adding at the end the following:

3 “(d) COST BENEFIT RATIOS.—

4 “(1) CONTRACT AIR TRAFFIC CONTROL TOWER
5 PROGRAM AT COST-SHARE AIRPORTS.—Beginning on
6 the date of enactment of the Federal Aviation Ad-
7 ministration Reauthorization Act of 2016, if a tower
8 is operating under the Cost-share Program, the Sec-
9 retary shall annually calculate a new benefit-to-cost
10 ratio for the tower.

11 “(2) CONTRACT TOWER PROGRAM AT NON-
12 COST-SHARE AIRPORTS.—Beginning on the date of
13 enactment of the Federal Aviation Administration
14 Reauthorization Act of 2016, if a tower is operating
15 under the Control Tower Program and continued
16 under subsection (b)(1), the Secretary shall not cal-
17 culate a new benefit-to-cost ratio for the tower un-
18 less the annual aircraft traffic at the airport where
19 the tower is located decreases by more than 25 per-
20 cent from the previous year or by more than 60 per-
21 cent over a 3 year period.

22 “(3) CONSIDERATIONS.—In establishing a ben-
23 efit-to-cost ratio under paragraph (1) or paragraph
24 (2), the Secretary may consider only the following
25 costs:

1 “(A) The Federal Aviation Administra-
2 tion’s actual cost of wages and benefits of per-
3 sonnel working at the air traffic control con-
4 tract tower.

5 “(B) The Federal Aviation Administra-
6 tion’s actual telecommunications costs of the air
7 traffic control contract tower.

8 “(C) Relocation and replacement costs of
9 equipment of the Federal Aviation Administra-
10 tion associated with the tower, if paid for by
11 the Federal Aviation Administration.

12 “(D) Logistics, such as direct costs associ-
13 ated with establishing or updating the tower’s
14 interface with other systems and equipment of
15 the Federal Aviation Administration, if paid for
16 by the Federal Aviation Administration.

17 “(4) EXCLUSIONS.—In establishing a benefit-
18 to-cost ratio under paragraph (1) or paragraph (2),
19 the Secretary may not consider the following costs:

20 “(A) Airway facilities costs, including labor
21 and other costs associated with maintaining and
22 repairing the systems and equipment of the
23 Federal Aviation Administration.

1 “(B) Costs for depreciating the building
2 and equipment owned by the Federal Aviation
3 Administration.

4 “(C) Indirect overhead costs of the Federal
5 Aviation Administration.

6 “(D) Costs for utilities, janitorial, and
7 other services paid for or provided by the air-
8 port or the State or political subdivision of a
9 State having jurisdiction over the airport where
10 the tower is located.

11 “(E) The cost of new or replacement
12 equipment, or construction of a new or replace-
13 ment tower, if the costs borne were borne by
14 the airport or the State or political subdivision
15 of a State having jurisdiction over the airport
16 where the tower is or will be located.

17 “(F) Other expenses of the Federal Avia-
18 tion Administration not directly associated with
19 the actual operation of the tower.

20 “(5) MARGIN OF ERROR.—The Secretary shall
21 add a 5 percent margin of error to a benefit-to-cost
22 ratio determination to acknowledge and account for
23 any direct or indirect factors that are not included
24 in the criteria the Secretary used in calculating the
25 benefit-to-cost ratio.

1 “(6) PROCEDURES.—The Secretary shall estab-
2 lish procedures—

3 “(A) to allow an airport or the State or po-
4 litical subdivision of a State having jurisdiction
5 over the airport where the tower is located not
6 less than 90 days following the receipt of an
7 initial benefit-to-cost ratio determination from
8 the Secretary—

9 “(i) to request the Secretary recon-
10 sider that determination; and

11 “(ii) to submit updated or additional
12 data to the Secretary in support of the re-
13 consideration;

14 “(B) to allow the Secretary not more than
15 90 days to review the data submitted under
16 subparagraph (A)(ii) and respond to the re-
17 quest under subparagraph (A)(i);

18 “(C) to allow the airport, State, or political
19 subdivision of a State, as applicable, 30 days
20 following the date of the response under sub-
21 paragraph (B) to review the response before
22 any action is taken based on a benefit-to-cost
23 determination; and

24 “(D) to provide, after the end of the period
25 described in subparagraph (C), an 18-month

1 grace period before cost-share payments from
 2 the airport, State, or political subdivision of a
 3 State if as a result of the benefit-to-cost ratio
 4 determination the airport, State, or political
 5 subdivision, as applicable, is required to transi-
 6 tion to the Cost-share Program.

7 “(e) DEFINITIONS.—In this section:

8 “(1) CONTROL TOWER PROGRAM.—The term
 9 ‘Control Tower Program’ means the level I air traf-
 10 fic control tower contract program established under
 11 subsection (a) and continued under subsection
 12 (b)(1).

13 “(2) COST-SHARE PROGRAM.—The term ‘Cost-
 14 share Program’ means the cost-share program estab-
 15 lished under subsection (b)(3).”.

16 (e) CONFORMING AMENDMENTS.—Section 47124(b)
 17 is amended—

18 (1) in paragraph (1)(C), by striking “the pro-
 19 gram established under paragraph (3)” and insert-
 20 ing “the Cost-share Program”;

21 (2) in paragraph (3)—

22 (A) in the heading, by striking “CONTRACT
 23 AIR TRAFFIC CONTROL TOWER PROGRAM” and
 24 inserting “COST-SHARE PROGRAM”;

1 (B) in subparagraph (A), by striking “con-
2 tract tower program established under sub-
3 section (a) and continued under paragraph (1)
4 (in this paragraph referred to as the ‘Contract
5 Tower Program’)” and inserting “Contract
6 Tower Program”;

7 (C) in subparagraph (B), by striking “In
8 carrying out the program” and inserting “In
9 carrying out the Cost-share Program”;

10 (D) in subparagraph (C), by striking “par-
11 ticipate in the program” and inserting “partici-
12 pate in the Cost-share Program”;

13 (E) in subparagraph (D), by striking
14 “under the program” and inserting “under the
15 Cost-share Program”; and

16 (F) in subparagraph (F), by striking “the
17 program continued under paragraph (1)” and
18 inserting “the Control Tower Program”; and

19 (3) in paragraph (4)(B)(i)(I), by striking “con-
20 tract tower program established under subsection (a)
21 and continued under paragraph (1) or the pilot pro-
22 gram established under paragraph (3)” and insert-
23 ing “Control Tower Program or the Cost-share Pro-
24 gram”.

1 (f) EXEMPTION.—Section 47124(b)(3)(D) is amend-
2 ed by adding at the end the following: “Airports with both
3 Part 121 air service and more than 25,000 passenger
4 enplanements in calendar year 2014 shall be exempt from
5 any cost share requirement under the Cost-share Pro-
6 gram.”.

7 (g) SAVINGS PROVISION.—Notwithstanding the
8 amendments made by this section, the towers for which
9 assistance is being provided under section 41724 of title
10 49, United States Code, on the day before the date of en-
11 actment of this Act may continue to be provided such as-
12 sistance under the terms of that section as in effect on
13 that day.

14 **SEC. 1205. APPROVAL OF CERTAIN APPLICATIONS FOR**
15 **CONTRACT TOWER PROGRAM.**

16 (a) IN GENERAL.—If the Administrator of the Fed-
17 eral Aviation Administration has not implemented a re-
18 vised cost-benefit methodology for purposes of determining
19 eligibility for the Contract Tower Program before the date
20 that is 30 days after the date of enactment of this Act,
21 any air traffic control tower with an application for par-
22 ticipation in the Contract Tower Program pending as of
23 January 1, 2016, shall be approved for participation in
24 the Contract Tower Program if the Administrator deter-
25 mines the tower is eligible under the criteria set forth in

1 the Federal Aviation Administration report, Establish-
2 ment and Discontinuance Criteria for Airport Traffic Con-
3 trol Towers, dated August 1990 (FAA-APO-90-7).

4 (b) DEFINITION OF CONTRACT TOWER PROGRAM.—

5 In this section, the term “Contract Tower Program” has
6 the meaning given the term in section 47124(e) of title
7 49, United States Code.

8 **SEC. 1206. REMOTE TOWERS.**

9 (a) PILOT PROGRAM.—

10 (1) ESTABLISHMENT.—The Administrator of
11 the Federal Aviation Administration shall estab-
12 lish—

13 (A) in consultation with airport operators
14 and general aviation users, a pilot program at
15 public-use airports to construct and operate re-
16 mote towers; and

17 (B) a selection process for participation in
18 the pilot program.

19 (2) SAFETY CONSIDERATIONS.—In establishing
20 the pilot program, the Administrator shall consult
21 with operators of remote towers in foreign countries
22 to design the pilot program in a manner that
23 leverages as many safety and airspace efficiency ben-
24 efits as possible.

1 (3) REQUIREMENTS.—In selecting the airports
2 for participation in the pilot program, the Adminis-
3 trator shall—

4 (A) to the extent practicable, ensure that
5 at least 2 different vendors of remote tower sys-
6 tems participate;

7 (B) include at least 1 airport currently in
8 the Contract Tower Program and at least 1 air-
9 port that does not have an air traffic control
10 tower; and

11 (C) clearly identify the research questions
12 that will be addressed at each airport.

13 (4) RESEARCH.—In selecting an airport for
14 participation in the pilot program, the Administrator
15 shall consider—

16 (A) how inclusion of that airport will add
17 research value to assist the Administrator in
18 evaluating the feasibility, safety, and benefits of
19 using remote towers;

20 (B) the amount and variety of air traffic
21 at an airport; and

22 (C) the costs and benefits of including that
23 airport.

24 (5) DATA.—The Administrator shall clearly
25 identify and collect air traffic control information

1 and data from participating airports that will assist
2 the Administrator in evaluating the feasibility, safe-
3 ty, and cost-benefits of remote towers.

4 (6) REPORT.—Not later than 1 year after the
5 date the first remote tower is operational, and annu-
6 ally thereafter, the Administrator shall submit to the
7 appropriate committees of Congress a report—

8 (A) detailing any benefits, costs, or safety
9 improvements associated with the use of the re-
10 mote towers; and

11 (B) evaluating the feasibility of using re-
12 mote towers, particularly in the Contract Tower
13 Program and for airports without any air traf-
14 fic control tower, or to improve safety at air-
15 ports with towers.

16 (7) DEADLINE.—Not later than 1 year after
17 the date of enactment of this Act, the Administrator
18 shall select airports for participation in the pilot pro-
19 gram.

20 (8) DEFINITIONS.—In this subsection:

21 (A) CONTRACT TOWER PROGRAM.—The
22 term “Contract Tower Program” has the mean-
23 ing given the term in section 47124(e) of title
24 49, United States Code.

1 (B) REMOTE TOWER.—The term “remote
2 tower” means a system whereby air traffic serv-
3 ices are provided to operators at an airport
4 from a location that may not be on or near the
5 airport.

6 (b) AIP FUNDING ELIGIBILITY.—For purposes of
7 the pilot program under subsection (a), and after certifi-
8 cated systems are available, constructing a remote tower
9 or acquiring and installing air traffic control, communica-
10 tions, or related equipment for a remote tower shall be
11 considered airport development (as defined in section
12 47102 of title 49, United States Code) for purposes of
13 subchapter I of chapter 471 of that title if components
14 are installed and used at the airport, except for off-airport
15 sensors installed on leased towers, as needed.

16 **SEC. 1207. MIDWAY ISLAND AIRPORT.**

17 Section 186(d) of the Vision 100—Century of Avia-
18 tion Reauthorization Act (Public Law 108–176; 117 Stat.
19 2518) is amended by striking “and for the period begin-
20 ning on October 1, 2015, and ending on March 31, 2016,”
21 inserting “and for fiscal years 2016 through 2017”.

22 **SEC. 1208. AIRPORT ROAD FUNDING.**

23 (a) AIRPORT DEVELOPMENT GRANT ASSURANCES.—
24 Section 47107(b) is amended by adding at the end the
25 following:

1 “(4) This subsection does not prevent the use
2 of airport revenue for the maintenance and improve-
3 ment of the on-airport portion of a surface transpor-
4 tation facility providing access to an airport and
5 non-airport locations if the surface transportation
6 facility is owned or operated by the airport owner or
7 operator and the use of airport revenue is prorated
8 to airport use and limited to portions of the facility
9 located on the airport. The Secretary shall determine
10 the maximum percentage contribution of airport rev-
11 enue towards surface transportation facility mainte-
12 nance or improvement, taking into consideration the
13 current and projected use of the surface transpor-
14 tation facility located on the airport for airport and
15 non-airport purposes. The de minimis use, as deter-
16 mined by the Secretary, of a surface transportation
17 facility for non-airport purposes shall not require
18 prorating.”.

19 (b) RESTRICTIONS ON THE USE OF AIRPORT REV-
20 ENUE.—Section 47133 is amended—

21 (1) by inserting “(1)” before “Nothing” and in-
22 denting appropriately; and

23 (2) by adding at the end the following:

24 “(2) Nothing in this section may be construed
25 to prevent the use of airport revenue for the pro-

1 rated maintenance and improvement costs of the on-
2 airport portion of the surface transportation facility,
3 subject to the provisions of section 47107(b)(4).”.

4 **SEC. 1209. REPEAL OF INHERENTLY LOW-EMISSION AIR-**
5 **PORT VEHICLE PILOT PROGRAM.**

6 (a) REPEAL.—Section 47136 is repealed.

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
8 The table of contents for chapter 471 is amended by strik-
9 ing the item relating to section 47136 and inserting the
10 following:

“47136. [Reserved].”.

11 **SEC. 1210. MODIFICATION OF ZERO-EMISSION AIRPORT VE-**
12 **HICLES AND INFRASTRUCTURE PILOT PRO-**
13 **GRAM.**

14 Section 47136a is amended—

15 (1) in subsection (a), by striking “, including”
16 and inserting “used exclusively for transporting pas-
17 sengers on-airport or for employee shuttle buses
18 within the airport, including”; and

19 (2) in subsection (f), by inserting “, as in effect
20 on the day before the date of enactment of the Fed-
21 eral Aviation Administration Reauthorization Act of
22 2016,” after “section 47136”.

1 **SEC. 1211. REPEAL OF AIRPORT GROUND SUPPORT EQUIP-**
 2 **MENT EMISSIONS RETROFIT PILOT PRO-**
 3 **GRAM.**

4 (a) REPEAL.—Section 47140 is repealed.

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

6 The table of contents for chapter 471 is amended by strik-
 7 ing the item relating to section 47140 and inserting the
 8 following:

“47140. [Reserved].”.

9 **SEC. 1212. FUNDING ELIGIBILITY FOR AIRPORT ENERGY**
 10 **EFFICIENCY ASSESSMENTS.**

11 (a) COST REIMBURSEMENTS.—Section 47140a(a) is
 12 amended by striking “airport.” and inserting “airport,
 13 and to reimburse the airport sponsor for the costs incurred
 14 in conducting the assessment.”.

15 (b) SAFETY PRIORITY.—Section 47140a(b)(2) is
 16 amending by inserting “, including a certification that no
 17 safety projects would be deferred by prioritizing a grant
 18 under this section,” after “an application”.

19 **SEC. 1213. RECYCLING PLANS; SAFETY PROJECTS AT UN-**
 20 **CLASSIFIED AIRPORTS.**

21 Section 47106(a) is amended—

22 (1) in paragraph (5), by striking “; and” and
 23 inserting a semicolon;

24 (2) in paragraph (6)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “for an airport that has an air-
3 port master plan, the master plan addresses”
4 and inserting “a master plan project, it will ad-
5 dress”; and

6 (B) in subparagraph (E), by striking the
7 period at the end and inserting “; and”; and
8 (3) by adding at the end the following:

9 “(7) if the project is at an unclassified airport,
10 the project will be funded with an amount appor-
11 tioned under subsection 47114(d)(3)(B) and is—

12 “(A) for maintenance of the pavement of
13 the primary runway;

14 “(B) for obstruction removal for the pri-
15 mary runway;

16 “(C) for the rehabilitation of the primary
17 runway; or

18 “(D) a project that the Secretary considers
19 necessary for the safe operation of the air-
20 port.”.

21 **SEC. 1214. TRANSFERS OF INSTRUMENT LANDING SYS-**
22 **TEMS.**

23 Section 44502(e) is amended by striking the first sen-
24 tence and inserting “An airport may transfer, without con-
25 sideration, to the Administrator of the Federal Aviation

1 Administration an instrument landing system consisting
 2 of a glide slope and localizer that conforms to performance
 3 specifications of the Administrator if an airport improve-
 4 ment project grant was used to assist in purchasing the
 5 system, and if the Federal Aviation Administration has
 6 determined that a satellite navigation system cannot pro-
 7 vide a suitable approach.”.

8 **SEC. 1215. NON-MOVEMENT AREA SURVEILLANCE PILOT**
 9 **PROGRAM.**

10 (a) IN GENERAL.—Subchapter I of chapter 471 is
 11 amended by adding at the end the following:

12 **“§ 47143. Non-movement area surveillance surface**
 13 **display systems pilot program**

14 “(a) IN GENERAL.—The Administrator of the Fed-
 15 eral Aviation Administration may carry out a pilot pro-
 16 gram to support non-Federal acquisition and installation
 17 of qualifying non-movement area surveillance surface dis-
 18 play systems and sensors if—

19 “(1) the Administrator determines that acquisi-
 20 tion and installation of qualifying non-movement
 21 area surveillance surface display systems and sen-
 22 sors improve safety or capacity in the National Air-
 23 space System; and

24 “(2) the non-movement area surveillance sur-
 25 face display systems and sensors are supplemental to

1 existing movement area systems and sensors at the
2 selected airports established under other programs
3 administered by the Administrator.

4 “(b) PROJECT GRANTS.—

5 “(1) IN GENERAL.—For purposes of carrying
6 out the pilot program, the Administrator may make
7 a project grant out of funds apportioned under para-
8 graph (1) or paragraph (2) of section 47114(c) to
9 not more than 5 eligible sponsors to acquire and in-
10 stall qualifying non-movement area surveillance sur-
11 face display systems and sensors. The Administrator
12 may distribute not more than \$2,000,000 per spon-
13 sor from the discretionary fund. The airports se-
14 lected to participate in the pilot program shall have
15 existing Federal Aviation Administration movement
16 area systems and airlines that are participants in
17 Federal Aviation Administration’s Airport Collabo-
18 rative Decision Making process.

19 “(2) PROCEDURES.—In accordance with the au-
20 thority under section 106, the Administrator may es-
21 tablish procurement procedures applicable to grants
22 issued under this subsection. The procedures may
23 permit the sponsor to carry out the project with ven-
24 dors that have been accepted in the procurement
25 procedure or using Federal Aviation Administration

1 contracts. The procedures may provide for the direct
2 reimbursement (including administrative costs) of
3 the Administrator by the sponsor using grant funds
4 under this subsection, for the ordering of system-re-
5 lated equipment and its installation, or for the direct
6 ordering of system-related equipment and its instal-
7 lation by the sponsor, using such grant funds, from
8 the suppliers with which the Administrator has con-
9 tracted.

10 “(3) DATA EXCHANGE PROCESSES.—The Ad-
11 ministrator may establish data exchange processes to
12 allow airport participation in the Federal Aviation
13 Administration’s Airport Collaborative Decision
14 Making process and fusion of the non-movement
15 surveillance data with the Administration’s move-
16 ment area systems.

17 “(c) DEFINITIONS.—In this section:

18 “(1) NON-MOVEMENT AREA.—The term ‘non-
19 movement area’ is the portion of the airfield surface
20 that is not under the control of air traffic control.

21 “(2) NON-MOVEMENT AREA SURVEILLANCE
22 SURFACE DISPLAY SYSTEM AND SENSORS.—The
23 term ‘non-movement area surveillance surface dis-
24 play system and sensors’ is a non-Federal surveil-
25 lance system that uses on-airport sensors that track

1 vehicles or aircraft that are equipped with tran-
 2 sponders in the non-movement area.

3 “(3) QUALIFYING NON-MOVEMENT AREA SUR-
 4 VEILLANCE SURFACE DISPLAY SYSTEM AND SEN-
 5 SORS.—The term ‘qualifying non-movement area
 6 surveillance surface display system and sensors’ is a
 7 non-movement area surveillance surface display sys-
 8 tem that—

9 “(A) provides the required transmit and
 10 receive data formats consistent with the Na-
 11 tional Airspace System architecture at the ap-
 12 propriate service delivery point;

13 “(B) is on-airport; and

14 “(C) is airport operated.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 The table of contents of chapter 471 is amended by insert-
 17 ing after the item relating to section 47142 the following:

“47143. Non-movement area surveillance surface display systems pilot pro-
 gram.”.

18 **SEC. 1216. AMENDMENTS TO DEFINITIONS.**

19 Section 47102 is amended—

20 (1) by redesignating paragraphs (10) through
 21 (28) as paragraphs (12) through (30), respectively;

22 (2) by redesignating paragraphs (7) through
 23 (9) as paragraphs (8) through (10), respectively;

24 (3) in paragraph (3)(B)—

1 (A) by redesignating clauses (iii) through
2 (x) as clauses (iv) through (xi), respectively;
3 and

4 (B) by striking clause (ii) and inserting the
5 following:

6 “(ii) security equipment owned and
7 operated by the airport, including explosive
8 detection devices, universal access control
9 systems, perimeter fencing, and emergency
10 call boxes, which the Secretary may require
11 by regulation for, or approve as contrib-
12 uting significantly to, the security of indi-
13 viduals and property at the airport;

14 “(iii) safety apparatus owned and op-
15 erated by the airport, which the Secretary
16 may require by regulation for, or approve
17 as contributing significantly to, the safety
18 of individuals and property at the airport,
19 and integrated in-pavement lighting sys-
20 tems for runways and taxiways and other
21 runway and taxiway incursion prevention
22 devices;”;

23 (4) in paragraph (3)—

24 (A) in subparagraph (K), by striking “such
25 project will result in an airport receiving appro-

1 priate” and inserting “the airport would be able
2 to receive”; and

3 (B) in subparagraph (L)—

4 (i) by striking “or conversion of vehi-
5 cles and” and inserting “of vehicles used
6 exclusively for transporting passengers on-
7 airport, employee shuttle buses within the
8 airport, or”;

9 (ii) by striking “airport, to” and in-
10 serting “airport and equipped with”; and

11 (iii) by striking “7505a) and if such
12 project will result in an airport receiving
13 appropriate” and inserting “[7505a)) and
14 if the airport would be able to receive”;

15 (5) in paragraph (5), by striking “regulations”
16 and inserting “requirements”;

17 (6) by inserting after paragraph (6) the fol-
18 lowing:

19 “(7) ‘categorized airport’ means a nonprimary
20 airport that has an identified role in the National
21 Plan of Integrated Airport Systems.”;

22 (7) in paragraph (9), as redesignated, by strik-
23 ing “public” and inserting “public-use”;

24 (8) by inserting after paragraph (10), as redesi-
25 gnated, the following:

1 “(11) ‘joint use airport’ means an airport
2 owned by the Department of Defense, at which both
3 military and civilian aircraft make shared use of the
4 airfield.”;

5 (9) in paragraph (24), as redesignated, by
6 amending subparagraph (B)(i) to read as follows:

7 “(i) determined by the Secretary to
8 have at least—

9 “(I) 100 based aircraft that are
10 currently registered with the Federal
11 Aviation Administration under chap-
12 ter 445 of this title; and

13 “(II) 1 based jet aircraft that is
14 currently registered with the Federal
15 Aviation Administration where, for
16 the purposes of this clause, ‘based’
17 means the aircraft or jet aircraft over-
18 nights at the airport for the greater
19 part of the year; or”;

20 (10) by adding at the end the following:

21 “(31) ‘unclassified airport’ means a nonprimary
22 airport that is included in the National Plan of Inte-
23 grated Airport Systems that is not categorized by
24 the Administrator of the Federal Aviation Adminis-

1 tration in the most current report entitled General
2 Aviation Airports: A National Asset.”.

3 **SEC. 1217. CLARIFICATION OF NOISE EXPOSURE MAP UP-**
4 **DATES.**

5 Section 47503(b) is amended—

6 (1) by striking “a change in the operation of
7 the airport would establish” and inserting “there is
8 a change in the operation of the airport that would
9 establish”; and

10 (2) by inserting after “reduction” the following:

11 “if the change has occurred during the longer of—

12 “(1) the noise exposure map period forecast by
13 the airport operator under subsection (a); or

14 “(2) the implementation timeframe of the oper-
15 ator’s noise compatibility program.”.

16 **SEC. 1218. PROVISION OF FACILITIES.**

17 Section 44502 is amended by adding at the end the
18 following:

19 “(f) AIRPORT SPACE.—

20 “(1) RESTRICTION.—The Administrator may
21 not require an airport owner or sponsor (as defined
22 in section 47102) to provide to the Federal Aviation
23 Administration without cost any of the following:

24 “(A) building construction, maintenance,
25 utilities, or expenses for services relating to air

1 traffic control, air navigation, or weather re-
2 porting; or

3 “(B) space in a facility owned by the air-
4 port owner or sponsor for services relating to
5 air traffic control, air navigation, or weather re-
6 porting.

7 “(2) RULE OF CONSTRUCTION.—Nothing in
8 this subsection may be construed to affect—

9 “(A) any agreement the Secretary may
10 have or make with an airport owner or sponsor
11 for the airport owner or sponsor to provide any
12 of the items described in subparagraph (A) or
13 (B) of paragraph (1) at below-market rates; or

14 “(B) any grant assurance that requires an
15 airport owner or sponsor to provide land to the
16 Administration without cost for an air traffic
17 control facility.”.

18 **SEC. 1219. CONTRACT WEATHER OBSERVERS.**

19 (a) IN GENERAL.—Not later than 90 days after the
20 date of enactment of this Act, the Administrator of the
21 Federal Aviation Administration shall submit to the ap-
22 propriate committee of Congress a report—

23 (1) outlining safety risks, hazard effects, and
24 operational effects that could result from loss of con-
25 tract weather observer service at airports that use

1 this service and are under review by the Federal
2 Aviation Administration;

3 (2) detailing whether and how an airport de-
4 scribed in paragraph (1) can accurately report rap-
5 idly changing severe weather conditions, including
6 thunderstorms, lightning, fog, visibility, cloud layers
7 and ceilings, ice pellets, freezing rain, and drizzle
8 without contract weather observers; and

9 (3) detailing the process by which the Adminis-
10 trator analyzed the safety hazards associated with
11 eliminating the contract weather observer service.

12 (b) MORATORIUM.—The Administrator may not fi-
13 nalize any determination regarding the continued use of
14 the contract weather observer service at any airport until
15 after the date the report is submitted under subsection
16 (a).

17 **SEC. 1220. FEDERAL SHARE ADJUSTMENT.**

18 Section 47109(a)(5) is amended to read as follows:

19 “(5) 95 percent for a project at an airport for
20 which the United States Government’s share would
21 otherwise be capped at 90 percent under paragraph
22 (2) or paragraph (3) if the Administrator determines
23 that the project is a successive phase of a multi-
24 phased construction project for which the sponsor
25 received a grant in fiscal year 2011 or earlier.”.

1 **SEC. 1221. MISCELLANEOUS TECHNICAL AMENDMENTS.**

2 (a) AIRPORT SECURITY PROGRAM.—Section 47137 is
3 amended—

4 (1) in subsection (a), by striking “Transportation” and inserting “Homeland Security”;

5 (2) in subsection (e), by striking “Homeland
6 Security” and inserting “Transportation”; and

7 (3) in subsection (g), by inserting “of Transportation” after “Secretary” the first place it appears.
8
9
10

11 (b) SECTION 516 PROPERTY CONVEYANCE RE-
12 LEASES.—Section 817(a) of the FAA Modernization and
13 Reform Act of 2012 (49 U.S.C. 47125 note) is amended—

14 (1) by striking “or section 23” and inserting “,
15 section 23”; and

16 (2) by inserting before the period at the end the
17 following: “, or section 47125 of title 49, United
18 States Code.”.

19 **Subtitle C—Passenger Facility**
20 **Charges**

21 **SEC. 1301. PFC STREAMLINING.**

22 (a) PASSENGER FACILITY CHARGES; GENERAL AU-
23 THORITY.—Section 40117(b)(4) is amended—

24 (1) in the matter preceding subparagraph (A),
25 by striking “, if the Secretary finds—” and inserting
26 a period; and

1 (2) by striking subparagraphs (A) and (B).

2 (b) PILOT PROGRAM FOR PASSENGER FACILITY
3 CHARGE AUTHORIZATIONS AT NONHUB AIRPORTS.—Sec-
4 tion 40117(l) is amended—

5 (1) in the heading by striking “NONHUB” and
6 inserting “CERTAIN”; and

7 (2) in paragraph (1), by striking “nonhub” and
8 inserting “nonhub, small hub, and medium hub”.

9 **SEC. 1302. INTERMODAL ACCESS PROJECTS.**

10 Section 40117 is amended by adding at the end the
11 following:

12 “(n) PFC ELIGIBILITY FOR INTERMODAL GROUND
13 ACCESS PROJECTS.—

14 “(1) IN GENERAL.—The Secretary may author-
15 ize a passenger facility charge imposed under sub-
16 section (b)(1) to be used to finance the eligible cap-
17 ital costs of an intermodal ground access project.

18 “(2) DEFINITION OF INTERMODAL GROUND AC-
19 CESS PROJECT.—In this subsection, the term ‘inter-
20 modal ground access project’ means a project for
21 constructing a local facility owned or operated by an
22 eligible agency that—

23 “(A) is located on airport property; and

1 “(B) is directly and substantially related to
2 the movement of passengers or property trav-
3 eling in air transportation.

4 “(3) ELIGIBLE CAPITAL COSTS.—The eligible
5 capital costs of an intermodal ground access project
6 shall be the lesser of—

7 “(A) the total capital cost of the project
8 multiplied by the ratio that the number of indi-
9 viduals projected to use the project to gain ac-
10 cess to or depart from the airport bears to the
11 total number of individuals projected to use the
12 local facility; or

13 “(B) the total cost of the capital improve-
14 ments that are located on airport property.

15 “(4) DETERMINATIONS.—The Secretary shall
16 determine the projected use and cost of a project for
17 purposes of paragraph (3) at the time the project is
18 approved under this subsection, except that, in the
19 case of a project to be financed in part using funds
20 administered by the Federal Transit Administration,
21 the Secretary shall use the travel forecasting model
22 for the project at the time the project is approved
23 by the Federal Transit Administration to enter pre-
24 liminary engineering to determine the projected use

1 and cost of the project for purposes of paragraph
2 (3).

3 “(5) NONATTAINMENT AREAS.—For airport
4 property, any area of which is located in a non-
5 attainment area (as defined under section 171 of the
6 Clean Air Act (42 U.S.C. 7501)) for 1 or more cri-
7 teria pollutant, the airport emissions reductions
8 from less airport surface transportation and parking
9 as a direct result of the development of an inter-
10 modal project on the airport property would be eligi-
11 ble for air quality emissions credits.”.

12 **SEC. 1303. USE OF REVENUE AT A PREVIOUSLY ASSOCI-**
13 **ATED AIRPORT.**

14 Section 40117, as amended by section 1303, is fur-
15 ther amended by adding at the end the following:

16 “(o) USE OF REVENUES AT A PREVIOUSLY ASSOCI-
17 ATED AIRPORT.—Notwithstanding the requirements relat-
18 ing to airport control under subsection (b)(1), the Sec-
19 retary may authorize use of a passenger facility charge
20 under subsection (b) to finance an eligible airport-related
21 project if—

22 “(1) the eligible agency seeking to impose the
23 new charge controls an airport where a \$2.00 pas-
24 senger facility charge became effective on January 1,
25 2013; and

1 “(2) the location of the project to be financed
2 by the new charge is at an airport that was under
3 the control of the same eligible agency that had con-
4 trolled the airport described in paragraph (1).”.

5 **SEC. 1304. FUTURE AVIATION INFRASTRUCTURE AND FI-**
6 **NANCING STUDY.**

7 (a) FUTURE AVIATION INFRASTRUCTURE AND FI-
8 NANCING STUDY.—Not later than 60 days after the date
9 of enactment of this Act, the Secretary of Transportation
10 shall enter into an agreement with the Transportation Re-
11 search Board of the National Academies to conduct a
12 study and make recommendations on the actions needed
13 to upgrade and restore the national aviation infrastructure
14 system to its role as a premier system that meets the
15 growing and shifting demands of the 21st century, includ-
16 ing airport infrastructure needs and existing financial re-
17 sources for commercial service airports.

18 (b) CONSULTATION.—In carrying out the study, the
19 Transportation Research Board shall convene and consult
20 with a panel of national experts, including—

- 21 (1) nonhub airports;
22 (2) small hub airports;
23 (3) medium hub airports;
24 (4) large hub airports;
25 (5) airports with international service;

- 1 (6) non-primary airports;
- 2 (7) local elected officials;
- 3 (8) relevant labor organizations;
- 4 (9) passengers; and
- 5 (10) air carriers.

6 (c) CONSIDERATIONS.—In carrying out the study, the
7 Transportation Research Board shall consider—

- 8 (1) the ability of airport infrastructure to meet
9 current and projected passenger volumes;
- 10 (2) the available financial tools and resources
11 for airports of different sizes;
- 12 (3) the current debt held by airports, and its
13 impact on future construction and capacity needs;
- 14 (4) the impact of capacity constraints on pas-
15 sengers and ticket prices;
- 16 (5) the purchasing power of the passenger facil-
17 ity charge from the last increase in 2000 to the year
18 of enactment of this Act;
- 19 (6) the impact to passengers and airports of in-
20 dexing the passenger facility charge for inflation;
- 21 (7) how long airports are constrained with cur-
22 rent passenger facility charge collections;
- 23 (8) the impact of passenger facility charges to
24 promote competition;

1 (9) the additional resources or options to fund
2 terminal construction projects;

3 (10) the resources eligible for use toward noise
4 reduction and emission reduction projects;

5 (11) the gap between AIP-eligible projects and
6 the annual Federal funding provided;

7 (12) the impact of regulatory requirements on
8 airport infrastructure financing needs;

9 (13) airline competition;

10 (14) airline ancillary fees and their impact on
11 ticket pricing and taxable revenue; and

12 (15) the ability of airports to finance necessary
13 safety, security, capacity, and environmental projects
14 identified in capital improvement plans.

15 (d) REPORT.—Not later than 15 months after the
16 date of enactment of this Act, the Transportation Re-
17 search Board shall submit to the Secretary and the appro-
18 priate committees of Congress a report on its findings and
19 recommendations.

20 (e) FUNDING.—The Secretary is authorized to use
21 such sums as are necessary to carry out the requirements
22 of this section.

1 **TITLE II—SAFETY**
2 **Subtitle A—Unmanned Aircraft**
3 **Systems Reform**

4 **SEC. 2001. DEFINITIONS.**

5 (a) **IN GENERAL.**—Unless expressly provided other-
6 wise, the terms used in this subtitle have the meanings
7 given the terms in section 44801 of title 49, United States
8 Code, as added by section 2121 of this Act.

9 (b) **DEFINITION OF CIVIL AIRCRAFT.**—The term
10 “civil aircraft” has the meaning given the term in section
11 40102 of title 49, United States Code.

12 **PART I—PRIVACY AND TRANSPARENCY**

13 **SEC. 2101. UNMANNED AIRCRAFT SYSTEMS PRIVACY POL-**
14 **ICY.**

15 It is the policy of the United States that the operation
16 of any unmanned aircraft or unmanned aircraft system
17 shall be carried out in a manner that respects and protects
18 personal privacy consistent with Federal, State, and local
19 law.

20 **SEC. 2102. SENSE OF CONGRESS.**

21 It is the sense of Congress that—

22 (1) each person that uses an unmanned aircraft
23 system for compensation or hire, or in the further-
24 ance of a business enterprise, should have a written
25 privacy policy consistent with section 2101 regarding

1 the collection, use, retention, and dissemination of
2 any data collected during the operation of an un-
3 manned aircraft system;

4 (2) each privacy policy described in paragraph
5 (1) should be periodically reviewed and updated as
6 necessary; and

7 (3) each privacy policy described in paragraph
8 (1) should be publicly available.

9 **SEC. 2103. FEDERAL TRADE COMMISSION AUTHORITY.**

10 A violation of a privacy policy by a person that uses
11 an unmanned aircraft system for compensation or hire,
12 or in the furtherance of a business enterprise, in the na-
13 tional airspace system shall be an unfair and deceptive
14 practice in violation of section 5(a) of the Federal Trade
15 Commission Act (15 U.S.C. 45(a)).

16 **SEC. 2104. NATIONAL TELECOMMUNICATIONS AND INFOR-**
17 **MATION ADMINISTRATION MULTI-STAKE-**
18 **HOLDER PROCESS.**

19 Not later than July 31, 2016, the Administrator of
20 the National Telecommunications and Information Ad-
21 ministration shall submit to the appropriate committees
22 of Congress a report on the industry privacy best practices
23 developed through the multi-stakeholder engagement proc-
24 ess (established under Presidential Memorandum of Feb-
25 ruary 15, 2015 (80 Fed. Reg. 9355)) on unmanned air-

1 craft systems transparency and accountability. In addition
2 to the agreed upon best practices, this report shall include
3 relevant stakeholder recommendations for legislative or
4 regulatory action regarding privacy, accountability, and
5 transparency, including ways to encourage the adoption
6 of privacy policies by companies that use unmanned air-
7 craft systems for compensation or hire, or in the further-
8 ance of a business enterprise.

9 **SEC. 2105. IDENTIFICATION STANDARDS.**

10 (a) IN GENERAL.—The Director of the National In-
11 stitute of Standards and Technology, in collaboration with
12 the Administrator of the Federal Aviation Administration,
13 and in consultation with the Secretary of Transportation,
14 the President of the Radio Technical Commission for Aer-
15 onautics, and the Administrator of the National Tele-
16 communications and Information Administration, shall
17 convene industry stakeholders to facilitate the develop-
18 ment of consensus standards for remotely identifying oper-
19 ators and owners of unmanned aircraft systems and asso-
20 ciated unmanned aircraft.

21 (b) CONSIDERATIONS.—As part of the standards de-
22 veloped under subsection (a), the Director shall consider—

23 (1) requirements for remote identification of
24 unmanned aircraft systems;

1 (2) appropriate requirements for different clas-
2 sifications of unmanned aircraft systems operations,
3 including public and civil;

4 (3) the role of manufacturers, the Federal Avia-
5 tion Administration, and the owners of the systems
6 described in paragraphs (1) and (2) in reporting and
7 verifying identification data; and

8 (4) the feasibility of the development and oper-
9 ation of a publicly searchable online database to fur-
10 ther enable the immediate remote identification of
11 any unmanned aircraft and its operator by the gen-
12 eral public.

13 (c) DEADLINE.—Not later than 1 year after the date
14 of enactment of this Act, the Director shall submit to the
15 appropriate committees of Congress a report on the con-
16 sensus identification standards.

17 (d) GUIDANCE.—Not later than 1 year after the date
18 that the Director submits the report on the consensus
19 identification standards under subsection (c), the Admin-
20 istrator of the Federal Aviation Administration shall issue
21 regulatory guidance based on the consensus identification
22 standards.

1 **SEC. 2106. COMMERCIAL AND GOVERNMENTAL OPERA-**
2 **TORS.**

3 (a) IN GENERAL.—Except for model aircraft under
4 section 44808 of title 49, United States Code, in author-
5 izing the operation of any public unmanned aircraft sys-
6 tem or the operation of any unmanned aircraft system by
7 a person conducting civil aircraft operations, the Adminis-
8 trator of the Federal Aviation Administration, to the ex-
9 tent practicable and consistent with applicable law and
10 without compromising national security, homeland de-
11 fense, or law enforcement, shall make the identifying in-
12 formation in subsection (b) available to the public via an
13 online searchable database.

14 (b) CONTENTS.—The database described in sub-
15 section (a) shall contain the following:

16 (1) The name of each individual, or agency, as
17 applicable, authorized to conduct civil or public un-
18 manned aircraft systems operations described in
19 subsection (a).

20 (2) The name of each owner of an unmanned
21 aircraft system described in paragraph (1).

22 (3) The expiration date of any authorization re-
23 lated to a person identified in paragraph (1) or
24 paragraph (2).

25 (4) The contact information for each person
26 identified in paragraphs (1) and (2), including a

1 telephone number and an electronic mail address, in
2 accordance with applicable privacy laws.

3 (5) The tail number or specific identification
4 number of all unmanned aircraft authorized for use
5 that links each unmanned aircraft to the owner of
6 that aircraft.

7 (c) RECORDS.—Each person described in subsection
8 (b)(1), to the extent practicable without compromising na-
9 tional security, homeland defense, or law enforcement
10 shall maintain and make available to the Administrator
11 for not less than 1 year a record of the name and contact
12 information of each person on whose behalf the unmanned
13 aircraft system has been operated.

14 (d) DEADLINE.—The Administrator shall make the
15 database available not later than 1 year after the date of
16 enactment of this Act.

17 (e) TERMINATION.—The Administrator may cease
18 the operation of such database on the date that the Ad-
19 ministrator issues regulatory guidance on the consensus
20 identification standards in section 2105.

21 **SEC. 2107. ANALYSIS OF CURRENT REMEDIES UNDER FED-**
22 **ERAL, STATE, LOCAL JURISDICTIONS.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Comptroller General of the United States
25 shall conduct and submit to the appropriate committees

1 of Congress a review of the privacy issues and concerns
 2 associated with the operation of unmanned aircraft sys-
 3 tems in the national airspace system that—

4 (1) examines and identifies the existing Fed-
 5 eral, State, or local laws, including constitutional
 6 law, that protect an individual’s personal privacy;

7 (2) identifies specific issues and concerns that
 8 may limit the availability of existing civil or criminal
 9 legal remedies regarding inappropriate operation of
 10 unmanned aircraft systems in the national airspace
 11 system;

12 (3) identifies any deficiencies in current Fed-
 13 eral, State, or local privacy protections; and

14 (4) recommends legislative or other actions to
 15 address the limitations and deficiencies identified in
 16 paragraphs (2) and (3).

17 **PART II—UNMANNED AIRCRAFT SYSTEMS**

18 **SEC. 2121. DEFINITIONS.**

19 (a) IN GENERAL.—Part A of subtitle VII is amended
 20 by inserting after chapter 447 the following:

21 **“CHAPTER 448—UNMANNED AIRCRAFT**
 22 **SYSTEMS**

“Sec.

“44801. Definitions.

23 **“§ 44801. Definitions**

24 “In this chapter—

1 “(1) ‘appropriate committees of Congress’
2 means the Committee on Commerce, Science, and
3 Transportation of the Senate and the Committee on
4 Transportation and Infrastructure of the House of
5 Representatives.

6 “(2) ‘Arctic’ means the United States zone of
7 the Chukchi Sea, Beaufort Sea, and Bering Sea
8 north of the Aleutian chain.

9 “(3) ‘certificate of waiver’ and ‘certificate of au-
10 thORIZATION’ mean a Federal Aviation Administration
11 grant of approval for a specific flight operation.

12 “(4) ‘permanent areas’ means areas on land or
13 water that provide for launch, recovery, and oper-
14 ation of small unmanned aircraft.

15 “(5) ‘public unmanned aircraft system’ means
16 an unmanned aircraft system that meets the quali-
17 fications and conditions required for operation of a
18 public aircraft (as defined in section 40102(a)).

19 “(6) ‘sense and avoid capability’ means the ca-
20 pability of an unmanned aircraft to remain a safe
21 distance from and to avoid collisions with other air-
22 borne aircraft.

23 “(7) ‘small unmanned aircraft’ means an un-
24 manned aircraft weighing less than 55 pounds, in-

1 including the weight of anything attached to or carried
2 by the aircraft.

3 “(8) ‘test range’ means a defined geographic
4 area where research and development are conducted
5 as authorized by the Administrator of the Federal
6 Aviation Administration.

7 “(9) ‘test site’ means any of the 6 test ranges
8 established by the Administrator of the Federal
9 Aviation Administration under section 332(c) of the
10 FAA Modernization and Reform Act of 2012 (49
11 U.S.C. 40101 note), as in effect on the day before
12 the date of enactment of the Federal Aviation Ad-
13 ministration Reauthorization Act of 2016.

14 “(10) ‘unmanned aircraft’ means an aircraft
15 that is operated without the possibility of direct
16 human intervention from within or on the aircraft.

17 “(11) ‘unmanned aircraft system’ means an un-
18 manned aircraft and associated elements (including
19 communication links and the components that con-
20 trol the unmanned aircraft) that are required for the
21 operator to operate safely and efficiently in the na-
22 tional airspace system.”.

23 (b) TABLE OF CHAPTERS.—The table of chapters for
24 subtitle VII is amended by inserting after the item relating
25 to chapter 447 the following:

“448. Unmanned Aircraft Systems 44801”.

1 **SEC. 2122. UTILIZATION OF UNMANNED AIRCRAFT SYSTEM**
2 **TEST SITES.**

3 (a) IN GENERAL.—Chapter 448, as designated by
4 section 2121 of this Act, is amended by inserting after
5 section 44801 the following:

6 **“§ 44802. Unmanned aircraft system test sites**

7 “(a)(1) IN GENERAL.—The Administrator of the
8 Federal Aviation Administration shall establish and up-
9 date, as appropriate, a program for the use of the 6 test
10 sites established under section 332(c) of the FAA Mod-
11 ernization and Reform Act of 2012 (49 U.S.C. 40101
12 note) to facilitate the safe integration of unmanned air-
13 craft systems into the national airspace system.

14 “(2) TERMINATION.—The program shall terminate
15 on September 30, 2017.

16 “(b) PROGRAM REQUIREMENTS.—In establishing the
17 program under subsection (a), the Administrator shall—

18 “(1) designate airspace for safely testing the in-
19 tegration of unmanned flight operations in the na-
20 tional airspace system;

21 “(2) develop operational standards and air traf-
22 fic requirements for unmanned flight operations at
23 test sites, including test ranges;

24 “(3) coordinate with and leverage the resources
25 of the National Aeronautics and Space Administra-
26 tion and the Department of Defense;

1 “(4) address both civil and public unmanned
2 aircraft systems;

3 “(5) ensure that the program is coordinated
4 with relevant aspects of the Next Generation Air
5 Transportation System;

6 “(6) provide for verification of the safety of un-
7 manned aircraft systems and related navigation pro-
8 cedures as it relates to continued development of
9 standards for integration into the national airspace
10 system;

11 “(7) engage each test site operator in projects
12 for research, development, testing, and evaluation of
13 unmanned aircraft systems to facilitate the Federal
14 Aviation Administration’s development of standards
15 for the safe integration of unmanned aircraft into
16 the national airspace system, which may include so-
17 lutions for—

18 “(A) developing and enforcing geographic
19 and altitude limitations;

20 “(B) classifications of airspace where man-
21 ufacturers must prevent flight of an unmanned
22 aircraft system;

23 “(C) classifications of airspace where man-
24 ufacturers of unmanned aircraft systems must

1 alert the operator to hazards or limitations on
2 flight;

3 “(D) sense and avoid capabilities; and

4 “(E) beyond-line-of-sight, nighttime oper-
5 ations and unmanned traffic management, or
6 other critical research priorities;

7 “(8) coordinate periodically with all test site op-
8 erators to ensure test site operators know which
9 data should be collected, what procedures should be
10 followed, and what research would advance efforts to
11 safely integrate unmanned aircraft systems into the
12 national airspace system;

13 “(9) allow a test site to develop multiple test
14 ranges within the test site;

15 “(10) streamline the approval process for test
16 sites when processing unmanned aircraft certificates
17 of waiver or authorization for operations at the test
18 sites;

19 “(11) require each test site operator to protect
20 proprietary technology, sensitive data, or sensitive
21 research of any civil or private entity when using
22 that test site without the need to obtain an experi-
23 mental or special airworthiness certificate;

24 “(12) evaluate options for the operation of 1 or
25 more small unmanned aircraft systems beyond the

1 visual line of sight of the operator for testing under
2 controlled conditions that assure the safety of per-
3 sons and property, including on the ground; and

4 “(13) allow test site operators to receive Fed-
5 eral funding, other than from the Federal Aviation
6 Administration, including in-kind contributions,
7 from test site participants in the furtherance of re-
8 search, development, and testing objectives.

9 “(c) TEST SITE LOCATIONS.—In determining the lo-
10 cation of a test site under subsection (a), the Adminis-
11 trator shall—

12 “(1) take into consideration geographic and cli-
13 matic diversity;

14 “(2) take into consideration the location of
15 ground infrastructure and research needs; and

16 “(3) consult with the Administrator of the Na-
17 tional Aeronautics and Space Administration and
18 the Secretary of Defense.

19 “(d) REPORT TO CONGRESS.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of the Federal Aviation Ad-
22 ministration Reauthorization Act of 2016, the Ad-
23 ministrator shall submit to the appropriate commit-
24 tees of Congress a report on the establishment and
25 implementation of the program under subsection (a).

1 “(2) BRIEFINGS.—Beginning 180 days after
2 the date of enactment of the Federal Aviation Ad-
3 ministration Reauthorization Act of 2016, and every
4 180 days thereafter until September 30, 2017, the
5 Administrator shall provide to the appropriate com-
6 mittees of Congress a briefing that includes—

7 “(A) a current summary of unmanned air-
8 craft systems operations at the test sites since
9 the last briefing to Congress;

10 “(B) a description of all of the data gen-
11 erated from the operations described in sub-
12 paragraph (A), and shared with the Federal
13 Aviation Administration through a cooperative
14 research and development agreement authorized
15 in section 2123 of the Federal Aviation Admin-
16 istration Reauthorization Act of 2016, that re-
17 late to unmanned aircraft systems research pri-
18 orities, including beyond-line-of-sight, un-
19 manned traffic management, nighttime oper-
20 ations, and sense and avoid technology;

21 “(C) a description of how the data de-
22 scribed in subparagraph (B) will be or is
23 used—

24 “(i) to advance Federal Aviation Ad-
25 ministration priorities;

1 “(ii) to validate the safety of un-
2 manned aircraft systems and related tech-
3 nology; and

4 “(iii) to inform future rulemaking re-
5 lated to the integration of unmanned air-
6 craft systems into the national airspace;

7 “(D) an evaluation of the activities and
8 specific outcomes from activities at the test
9 sites that support the safe integration of un-
10 manned aircraft systems under this chapter;
11 and

12 “(E) recommendations for future Federal
13 Aviation Administration test site operations
14 that would generate data necessary to inform
15 future rulemaking related to unmanned aircraft
16 systems.

17 “(e) REVIEW OF OPERATIONS BY TEST SITE OPERA-
18 TORS.—The operator of each test site under subsection (a)
19 shall—

20 “(1) review the operations of unmanned aircraft
21 systems conducted at the test site, including—

22 “(A) ongoing or completed research; and

23 “(B) data regarding operations by private
24 and public operators; and

1 “(2) submit to the Administrator, in such form
2 and manner as specified by the Administrator, the
3 results of the review, including recommendations to
4 further enable private research and development op-
5 erations at the test sites that contribute to the Fed-
6 eral Aviation Administration’s safe integration of
7 unmanned aircraft systems into the national air-
8 space system, on a quarterly basis until the program
9 terminates.

10 “(f) TESTING.—The Secretary may authorize an op-
11 erator of a test site described in subsection (a) to admin-
12 ister testing requirements established by the Adminis-
13 trator for unmanned aircraft systems operations.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) TABLE OF CONTENTS.—The table of con-
16 tents for chapter 448, as added by section 2121 of
17 this Act, is further amended by inserting after the
18 item relating to section 44801 the following:

 “44802. Unmanned aircraft system test sites.”.

19 (2) PILOT PROJECTS.—Section 332 of the FAA
20 Modernization and Reform Act of 2012 (49 U.S.C.
21 40101 note) is amended by striking subsection (c).

22 **SEC. 2123. ADDITIONAL RESEARCH, DEVELOPMENT, AND**
23 **TESTING.**

24 (a) RESEARCH PLAN.—Not later than 1 year after
25 the date of enactment of this Act, the Administrator of

1 the Federal Aviation Administration and the United
2 States Unmanned Aircraft System Executive Committee,
3 jointly, and in coordination with industry, users, the Cen-
4 ter of Excellence for Unmanned Aircraft Systems, and test
5 site operators, shall develop a research plan to identify on-
6 going research into the broad range of technical, proce-
7 dural, and policy concerns arising from the integration of
8 unmanned aircraft systems into the national airspace sys-
9 tem, and research needs regarding those concerns. In de-
10 veloping the plan, the Administrator shall determine and
11 engage the appropriate entities to meet the research needs
12 identified in the plan.

13 (b) COLLABORATIVE RESEARCH AND DEVELOPMENT
14 AGREEMENTS.—The Administrator may use the other
15 transaction authority under section 106(l)(6) of title 49,
16 United States Code, and enter into collaborative research
17 and development agreements, to direct research related to
18 unmanned aircraft systems, including at any test site
19 under section 44802(a) of that title.

20 **SEC. 2124. SAFETY STANDARDS.**

21 (a) IN GENERAL.—Chapter 448, as amended by sec-
22 tion 2122 of this Act, is further amended by inserting
23 after section 44802 the following:

1 **“SEC. 44803. AIRCRAFT SAFETY STANDARDS.**

2 “(a) CONSENSUS AIRCRAFT SAFETY STANDARDS.—

3 Not later than 60 days after the date of enactment of the
4 Federal Aviation Administration Reauthorization Act of
5 2016, the Director of the National Institute of Standards
6 and Technology and the Administrator of the Federal
7 Aviation Administration, in consultation with government
8 and industry stakeholders and appropriate standards-set-
9 ting organizations, shall initiate a collaborative process to
10 develop risk-based, consensus industry airworthiness
11 standards related to the safe integration of small un-
12 manned aircraft systems into the national airspace sys-
13 tem.

14 “(b) CONSIDERATIONS.—In developing the consensus
15 aircraft safety standards, the Director and Administrator
16 shall consider the following:

17 “(1) Technologies or standards related to geo-
18 graphic limitations, altitude limitations, and sense
19 and avoid capabilities.

20 “(2) Using performance-based standards.

21 “(3) Predetermined action to maintain safety in
22 the event that a communications link between a
23 small unmanned aircraft and its operator is lost or
24 compromised.

1 “(4) Detectability and identifiability to pilots,
2 the Federal Aviation Administration, and air traffic
3 controllers, as appropriate.

4 “(5) Means to prevent tampering with or modi-
5 fication of any system, limitation, or other safety
6 mechanism or standard under this section or any
7 other provision of law, including a means to identify
8 any tampering or modification that has been made.

9 “(6) Remote identification capability standards
10 under section 2105.

11 “(7) How to update or modify a small un-
12 manned aircraft system that was commercially dis-
13 tributed prior to the development of the standards
14 so that, to the greatest extent practicable, such sys-
15 tems meet the standards.

16 “(8) Any technology or standard related to
17 small unmanned aircraft systems that promotes
18 aviation safety.

19 “(c) CONSULTATION.—In developing the consensus
20 industry standards under subsection (a), the Director and
21 Administrator shall consult with—

22 “(1) the Administrator of the National Aero-
23 nautics and Space Administration;

24 “(2) the President of RTCA, Inc.;

25 “(3) the Secretary of Defense;

1 “(4) each operator of a test site under section
2 44802;

3 “(5) the Center of Excellence for Unmanned
4 Aircraft Systems;

5 “(6) unmanned aircraft systems stakeholders;
6 and

7 “(7) community-based aviation organizations.

8 “(d) FAA APPROVAL.—Not later than 1 year after
9 the date of enactment of the Federal Aviation Administra-
10 tion Reauthorization Act of 2016, the Administrator of the
11 Federal Aviation Administration shall establish a process
12 for the approval of small unmanned aircraft systems make
13 and models based upon safety standards developed under
14 subsection (a). The consensus safety standards developed
15 under subsection (a) shall allow the Administrator to ap-
16 prove small unmanned aircraft systems for operation with-
17 in the national airspace system without requiring the type
18 certification process in parts 21 and 23 of the Code of
19 Federal Regulations.

20 “(e) ELIGIBILITY.—The standards for approval of
21 small unmanned aircraft systems developed under this sec-
22 tion shall set eligibility requirements for an airworthiness
23 approval of a small unmanned aircraft system which shall
24 include the following:

1 “(1) An applicant must provide the FAA
2 with—

3 “(A) the aircraft’s operating instructions;
4 and

5 “(B) the manufacturer’s statement of com-
6 pliance as described in paragraph (e) of this
7 section.

8 “(2) A sample aircraft must be inspected by the
9 Federal Aviation Administration and found to be in
10 a condition for safe operation and in compliance
11 with the standards required by the Administrator in
12 subsection (d).

13 “(f) MANUFACTURER’S STATEMENT OF COMPLIANCE
14 FOR SMALL UAS.—The manufacturer’s statement of com-
15 pliance required in subsection (e)(1)(B) shall—

16 “(1) identify the aircraft make and model, and
17 consensus standard used;

18 “(2) state that the aircraft make and model
19 meets the provisions of the identified consensus
20 standard;

21 “(3) state that the aircraft make and model
22 conforms to the manufacturer’s design data, using
23 the manufacturer’s quality assurance system that
24 meets the identified consensus standard adopted by
25 the Administrator in subsection (d), and is manufac-

1 tured in way that ensures consistency in the produc-
2 tion process so that every unit produced meets the
3 applicable standards;

4 “(4) state that the manufacturer will make
5 available to any interested person—

6 “(A) the aircraft’s operating instructions,
7 that meet the identified consensus standard;
8 and

9 “(B) the aircraft’s maintenance and in-
10 spection procedures, that meet the identified
11 consensus standard;

12 “(5) state that the manufacturer will monitor
13 and correct safety-of-flight issues through a contin-
14 ued airworthiness system that meets the identified
15 consensus standard;

16 “(6) state that at the request of the Adminis-
17 tration, the manufacturer will provide access by the
18 Administration to its facilities; and

19 “(7) state that the manufacturer, in accordance
20 with a production acceptance test procedure that
21 meets an applicable consensus standard has—

22 “(A) ground and flight tested random sam-
23 ples of the aircraft;

24 “(B) found the sample aircraft perform-
25 ance acceptable; and

1 “(C) determined that the make and model
2 of aircraft is suitable for safe operation.

3 “(g) PROHIBITION.—It shall be unlawful for any per-
4 son to introduce or deliver for introduction into interstate
5 commerce any unmanned aircraft manufactured on or
6 after the date that the Administrator adopts a relevant
7 consensus standard under this section, unless the manu-
8 facturer has received approval under subsection (d) for
9 each make and model.”.

10 (b) TABLE OF CONTENTS.—The table of contents for
11 chapter 448, as amended by section 2122 of this Act, is
12 further amended by inserting after the item relating to
13 section 44802 the following:

“44803. Aircraft safety standards.”.

14 **SEC. 2125. UNMANNED AIRCRAFT SYSTEMS IN THE ARCTIC.**

15 (a) IN GENERAL.—Chapter 448, as amended by sec-
16 tion 2124 of this Act, is further amended by inserting
17 after section 44803 the following:

18 **“§ 44804. Unmanned aircraft systems in the Arctic**

19 “(a) IN GENERAL.—The Secretary of Transportation
20 shall develop a plan and initiate a process to work with
21 relevant Federal agencies and national and international
22 communities to designate permanent areas in the Arctic
23 where small unmanned aircraft may operate 24 hours per
24 day for research and commercial purposes.

1 “(b) PLAN CONTENTS.—The plan under subsection
2 (a) shall include the development of processes to facilitate
3 the safe operation of unmanned aircraft beyond line of
4 sight.

5 “(c) REQUIREMENTS.—Each permanent area des-
6 igned under subsection (a) shall enable over-water
7 flights from the surface to at least 2,000 feet in altitude,
8 with ingress and egress routes from selected coastal
9 launch sites.

10 “(d) AGREEMENTS.—To implement the plan under
11 subsection (a), the Secretary may enter into an agreement
12 with relevant national and international communities.

13 “(e) AIRCRAFT APPROVAL.—Not later than 1 year
14 after the entry into force of an agreement necessary to
15 effectuate the purposes of this section, the Secretary shall
16 work with relevant national and international communities
17 to establish and implement a process, or may apply an
18 applicable process already established, for approving the
19 use of unmanned aircraft in the designated permanent
20 areas in the Arctic without regard to whether an un-
21 manned aircraft is used as a public aircraft, a civil air-
22 craft, or a model aircraft.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

24 (1) TABLE OF CONTENTS.—The table of con-
25 tents for chapter 448, as amended by section 2124

1 of this Act, is further amended by inserting after the
2 item relating to section 44803 the following:

“44804. Unmanned aircraft systems in the Arctic.”.

3 (2) EXPANDING USE OF UNMANNED AIRCRAFT
4 SYSTEMS IN ARCTIC.—Section 332 of the FAA Mod-
5 ernization and Reform Act of 2012 (49 U.S.C.
6 40101 note) is amended by striking subsection (d).

7 **SEC. 2126. SPECIAL AUTHORITY FOR CERTAIN UNMANNED**
8 **AIRCRAFT SYSTEMS.**

9 (a) IN GENERAL.—Chapter 448, as amended by sec-
10 tion 2125 of this Act, is further amended by inserting
11 after section 44804 the following:

12 **“§ 44805. Special authority for certain unmanned air-**
13 **craft systems**

14 “(a) IN GENERAL.—Notwithstanding any other re-
15 quirement of this chapter, the Secretary of Transportation
16 shall use a risk-based approach to determine if certain un-
17 manned aircraft systems may operate safely in the na-
18 tional airspace system notwithstanding completion of the
19 comprehensive plan and rulemaking required by section
20 332 of the FAA Modernization and Reform Act of 2012
21 (49 U.S.C. 40101 note) or the guidance required by sec-
22 tion 44807.

23 “(b) ASSESSMENT OF UNMANNED AIRCRAFT SYS-
24 TEMS.—In making the determination under subsection
25 (a), the Secretary shall determine, at a minimum—

1 “(1) which types of unmanned aircraft systems,
2 if any, as a result of their size, weight, speed, oper-
3 ational capability, proximity to airports and popu-
4 lated areas, and operation within or beyond visual
5 line of sight, or operation during the day or night,
6 do not create a hazard to users of the national air-
7 space system or the public; and

8 “(2) whether a certificate under section 44703
9 or section 44704 of this title, or a certificate of
10 waiver or certificate of authorization, is required for
11 the operation of unmanned aircraft systems identi-
12 fied under paragraph (1) of this subsection.

13 “(c) REQUIREMENTS FOR SAFE OPERATION.—If the
14 Secretary determines under this section that certain un-
15 manned aircraft systems may operate safely in the na-
16 tional airspace system, the Secretary shall establish re-
17 quirements for the safe operation of such aircraft systems
18 in the national airspace system, including operation re-
19 lated to research, development, and testing of proprietary
20 systems.

21 “(d) PILOT CERTIFICATION EXEMPTION.—If the
22 Secretary proposes, under this section, to require an oper-
23 ator of an unmanned aircraft system to hold an airman
24 certificate, a medical certificate, or to have a minimum
25 number of hours operating a manned aircraft, the Sec-

1 retary shall set forth the reasoning for such proposal and
 2 seek public notice and comment before imposing any such
 3 requirements.

4 “(e) SUNSET.—The authority under this section for
 5 the Secretary to determine if certain unmanned aircraft
 6 systems may operate safely in the national airspace system
 7 terminates effective September 30, 2017.”.

8 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

9 (1) TABLE OF CONTENTS.—The table of con-
 10 tents for chapter 448, as amended by section 2125
 11 of this Act, is further amended by inserting after the
 12 item relating to section 44804 the following:

“44805. Special rules for certain unmanned aircraft systems.”.

13 (2) SPECIAL RULES FOR CERTAIN UNMANNED
 14 AIRCRAFT SYSTEMS.—Section 333 of the FAA Mod-
 15 ernization and Reform Act of 2012 (49 U.S.C.
 16 40101 note) and the item relating to that section in
 17 the table of contents under section 1(b) of that Act
 18 (126 Stat. 13) are repealed.

19 **SEC. 2127. ADDITIONAL RULEMAKING AUTHORITY.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-
 21 gress that—

22 (1) beyond visual line of sight operations of un-
 23 manned aerial systems have tremendous potential—

24 (A) to enhance research and development
 25 both commercially and in academics;

1 (B) to spur economic growth and develop-
2 ment through innovative applications of this
3 emerging technology; and

4 (C) to improve emergency response efforts
5 as it relates to assessing damage to critical in-
6 frastructure such as roads, bridges, and public
7 utilities, including water and power, ultimately
8 speeding response time;

9 (2) advancements in miniaturization of safety
10 technologies, including for aircraft weighing under
11 4.4 pounds, have increased economic opportunities
12 for using unmanned aircraft systems while reducing
13 kinetic energy and risk compared to unmanned air-
14 craft that may weigh as much as 55 pounds;

15 (3) advancements in unmanned technology will
16 have the capacity to ultimately improve manned air-
17 craft safety; and

18 (4) integrating unmanned aircraft systems safe-
19 ly into the national airspace, including beyond visual
20 line of sight operations on a routine basis should re-
21 main a top priority for the Federal Aviation Admin-
22 istration as it pursues additional rulemakings under
23 the amendments made by this section.

1 (b) IN GENERAL.—Chapter 448, as amended by sec-
2 tion 2126 of this Act, is further amended by inserting
3 after section 44805 the following:

4 **“§ 44806. Additional rulemaking authority**

5 “(a) IN GENERAL.—Notwithstanding the rulemaking
6 required by section 332 of the FAA Modernization and
7 Reform Act of 2012 (49 U.S.C. 40101 note) or the guid-
8 ance required by section 44807 of this title and subject
9 to subsection (b)(2) of this section and section 44808, the
10 Administrator may issue regulations under which a person
11 may operate certain unmanned aircraft systems (as deter-
12 mined by the Administrator) in the United States—

13 “(1) without an airman certificate;

14 “(2) without an airworthiness certificate for the
15 associated unmanned aircraft; or

16 “(3) that are not registered with the Federal
17 Aviation Administration.

18 “(b) SCOPE OF REGULATIONS.—

19 “(1) IN GENERAL.—In determining whether a
20 person may operate an unmanned aircraft system
21 under 1 or more of the circumstances described
22 under paragraphs (1) through (3) of subsection (a),
23 the Administrator shall use a risk-based approach
24 and consider, at a minimum, the physical and func-

1 tional characteristics of the unmanned aircraft sys-
2 tem.

3 “(2) LIMITATION.—The Administrator may
4 only issue regulations under this section for un-
5 manned aircraft systems that the Administrator de-
6 termines may be operated safely in the national air-
7 space system.

8 “(c) RULES OF CONSTRUCTION.—Nothing in this
9 section may be construed—

10 “(1) to prohibit a person from operating an un-
11 manned aircraft system under a circumstance de-
12 scribed under paragraphs (1) through (3) of sub-
13 section (a) if—

14 “(A) the circumstance is allowed by regula-
15 tions issued under this section; and

16 “(B) the person operates the unmanned
17 aircraft system in a manner prescribed by the
18 regulations; and

19 “(2) to limit or affect in any way the Adminis-
20 trator’s authority to conduct a rulemaking, make a
21 determination, or carry out any activity related to
22 unmanned aircraft or unmanned aircraft systems
23 under any other provision of law.”.

24 (c) TABLE OF CONTENTS.—The table of contents for
25 chapter 448, as amended by section 2126 of this Act, is

1 amended by inserting after the item relating to section
2 44805 the following:

“44806. Additional rulemaking authority.”.

3 **SEC. 2128. GOVERNMENTAL UNMANNED AIRCRAFT SYS-**
4 **TEMS.**

5 (a) IN GENERAL.—Chapter 448, as amended by sec-
6 tion 2127 of this Act, is further amended by inserting
7 after section 44806 the following:

8 **“§ 44807. Public unmanned aircraft systems**

9 “(a) GUIDANCE.—The Secretary of Transportation
10 shall issue guidance regarding the operation of a public
11 unmanned aircraft system—

12 “(1) to streamline the process for the issuance
13 of a certificate of authorization or a certificate of
14 waiver;

15 “(2) to provide for a collaborative process with
16 public agencies to allow for an incremental expan-
17 sion of access to the national airspace system as
18 technology matures and the necessary safety anal-
19 yses and data become available, and until standards
20 are completed and technology issues are resolved;

21 “(3) to facilitate the capability of public agen-
22 cies to develop and use test ranges, subject to oper-
23 ating restrictions required by the Federal Aviation
24 Administration, to test and operate public unmanned
25 aircraft systems; and

1 “(4) to provide guidance on a public agency’s
2 responsibilities when operating an unmanned air-
3 craft without a civil airworthiness certificate issued
4 by the Administration.

5 “(b) STANDARDS FOR OPERATION AND CERTIFI-
6 CATION.—The Administrator of the Federal Aviation Ad-
7 ministration shall develop and implement operational and
8 certification requirements for the operation of a public un-
9 manned aircraft system in the national airspace system.

10 “(c) AGREEMENTS WITH GOVERNMENT AGEN-
11 CIES.—

12 “(1) IN GENERAL.—The Secretary shall enter
13 into an agreement with each appropriate public
14 agency to simplify the process for issuing a certifi-
15 cate of waiver or a certificate of authorization with
16 respect to an application for authorization to operate
17 a public unmanned aircraft system in the national
18 airspace system.

19 “(2) CONTENTS.—An agreement under para-
20 graph (1) shall—

21 “(A) with respect to an application de-
22 scribed in paragraph (1)—

23 “(i) provide for an expedited review of
24 the application;

1 “(ii) require a decision by the Admin-
2 istrator on approval or disapproval not
3 later than 60 business days after the date
4 of submission of the application;

5 “(iii) allow for an expedited appeal if
6 the application is disapproved; and

7 “(iv) if applicable, include verification
8 of the data minimization policy required
9 under subsection (d);

10 “(B) allow for a one-time approval of simi-
11 lar operations carried out during a fixed period
12 of time; and

13 “(C) allow a Government public safety
14 agency to operate an unmanned aircraft weigh-
15 ing 25 pounds or less if that unmanned aircraft
16 is operated—

17 “(i) within or beyond the line of sight
18 of the operator;

19 “(ii) less than 400 feet above the
20 ground;

21 “(iii) during daylight conditions;

22 “(iv) within Class G airspace; and

23 “(v) outside of 5 statute miles from
24 any airport, heliport, seaplane base, space-

1 port, or other location with aviation activi-
2 ties.

3 “(d) DATA MINIMIZATION FOR CERTAIN PUBLIC UN-
4 MANNED AIRCRAFT SYSTEM OPERATORS.—Not later than
5 180 days after the date of enactment of the Federal Avia-
6 tion Administration Reauthorization Act of 2016 each
7 Federal agency authorized by the Secretary to operate an
8 unmanned aircraft system shall develop and update a data
9 minimization policy that requires, at a minimum, that—

10 “(1) prior to the deployment of any new un-
11 manned aircraft system technology, and at least
12 every 3 years, existing policies and procedures relat-
13 ing to the collection, use, retention, and dissemina-
14 tion of information obtained by an unmanned air-
15 craft system must be examined to ensure that pri-
16 vacy, civil rights, and civil liberties are protected;

17 “(2) if the unmanned aircraft system is the
18 platform for information collection, information
19 must be collected, used, retained, and disseminated
20 consistent with the Constitution, Federal law, and
21 other applicable regulations and policies, such as the
22 Privacy Act of 1974 (5 U.S.C. 552a);

23 “(3) the Federal agency or person operating on
24 its behalf, only collect information using the un-
25 manned aircraft system, or use unmanned aircraft

1 system-collected information, to the extent that the
2 collection or use is consistent with and relevant to
3 an authorized purpose as determined by the head of
4 a Federal agency and consistent with the law;

5 “(4) any information collected, using an un-
6 manned aircraft or an unmanned aircraft system,
7 that may contain personal information will not be
8 retained by any Federal agency for more than 180
9 days after the date of collection unless—

10 “(A) the head of the Federal agency deter-
11 mines that retention of the information is rel-
12 evant and necessary to accomplish a purpose of
13 the Federal agency required to be accomplished
14 by statute or by Executive order of the Presi-
15 dent;

16 “(B) that Federal agency maintains the in-
17 formation in a system of records under section
18 552a of title 5; or

19 “(C) the information is required to be re-
20 tained for a longer period under other applica-
21 ble law, including regulations;

22 “(5) any information collected, using an un-
23 manned aircraft or unmanned aircraft system, that
24 is not maintained in a system of records under sec-

1 tion 552a of title 5, will not be disseminated outside
2 of that Federal agency unless—

3 “(A) dissemination is required by law; or

4 “(B) dissemination satisfies an authorized
5 purpose and complies with that Federal agen-
6 cy’s disclosure requirements;

7 “(6) to the extent it does not compromise law
8 enforcement or national security a Federal agency
9 shall—

10 “(A) provide notice to the public regarding
11 where in the national airspace system the Fed-
12 eral agency is authorized to operate the un-
13 manned aircraft system;

14 “(B) keep the public informed about the
15 Federal agency’s unmanned aircraft system
16 program, including any changes to that pro-
17 gram that would significantly affect privacy,
18 civil rights, or civil liberties;

19 “(C) make available to the public, on an
20 annual basis, a general summary of the Federal
21 agency’s unmanned aircraft system operations
22 during the previous fiscal year, including—

23 “(i) a brief description of types or cat-
24 egories of missions flown; and

1 “(ii) the number of times the Federal
2 agency provided assistance to other agen-
3 cies or to State, local, tribal, or territorial
4 governments; and

5 “(D) make available on a public and
6 searchable Internet website the data minimiza-
7 tion policy of the Federal agency;

8 “(7) ensures oversight of the Federal agency’s
9 unmanned aircraft system use, including—

10 “(A) the use of audits or assessments that
11 comply with existing Federal agency policies
12 and regulations;

13 “(B) the verification of the existence of
14 rules of conduct and training for Federal Gov-
15 ernment personnel and contractors who work on
16 programs, and procedures for reporting sus-
17 pected cases of misuse or abuse of unmanned
18 aircraft system technologies;

19 “(C) the establishment of policies and pro-
20 cedures, or confirmation that policies and pro-
21 cedures are in place, that provide meaningful
22 oversight of individuals who have access to sen-
23 sitive information, including personal informa-
24 tion, collected using an unmanned aircraft sys-
25 tem;

1 “(D) ensuring that any data-sharing
2 agreements or policies, data use policies, and
3 record management policies applicable to an un-
4 manned aircraft system conform to applicable
5 laws, regulations, and policies;

6 “(E) the establishment of policies and pro-
7 cedures, or confirmation that policies and pro-
8 cedures are in place, to authorize the use of an
9 unmanned aircraft system in response to a re-
10 quest for unmanned aircraft system assistance
11 in support of Federal, State, local, tribal, or
12 territorial government operations; and

13 “(F) a requirement that State, local, trib-
14 al, and territorial government recipients of Fed-
15 eral grant funding for the purchase or use of
16 unmanned aircraft systems for their own oper-
17 ations have in place policies and procedures to
18 safeguard individuals’ privacy, civil rights, and
19 civil liberties prior to expending such funds; and

20 “(8) ensures the protection of civil rights and
21 civil liberties, including—

22 “(A) ensuring that policies are in place to
23 prohibit the collection, use, retention, or dis-
24 semination of data in any manner that would
25 violate the First Amendment or in any manner

1 that would discriminate against persons based
2 upon their ethnicity, race, gender, national ori-
3 gin, religion, sexual orientation, or gender iden-
4 tity, in violation of law;

5 “(B) ensuring that unmanned aircraft sys-
6 tem activities are performed in a manner con-
7 sistent with the Constitution and applicable
8 laws, Executive orders, and other Presidential
9 directives; and

10 “(C) ensuring that adequate procedures
11 are in place to receive, investigate, and address,
12 as appropriate, privacy, civil rights, and civil
13 liberties complaints.

14 “(e) LAW ENFORCEMENT AND NATIONAL SECU-
15 RITY.—Each Federal agency shall effectuate a require-
16 ment under subsection (d) only to the extent it does not
17 compromise law enforcement or national security.

18 “(f) DEFINITION OF FEDERAL AGENCY.—In sub-
19 sections (d) and (e), the term ‘Federal agency’ has the
20 meaning given the term ‘agency’ in section 552(f) of title
21 5, United States Code.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) TABLE OF CONTENTS.—The table of con-
24 tents for chapter 448, as amended by section 2127

1 of this Act, is amended by inserting after the item
2 relating to section 44806 the following:

“44807. Public unmanned aircraft systems.”.

3 (2) PUBLIC UNMANNED AIRCRAFT SYSTEMS.—
4 Section 334 of the FAA Modernization and Reform
5 Act of 2012 (49 U.S.C. 40101 note) and the item
6 relating to that section in the table of contents
7 under section 1(b) of that Act (126 Stat. 13) are re-
8 pealed.

9 **SEC. 2129. SPECIAL RULES FOR MODEL AIRCRAFT.**

10 (a) IN GENERAL.—Chapter 448, as amended by sec-
11 tion 2128 of this Act, is further amended by inserting
12 after section 44807 the following:

13 **“§ 44808. Special rules for model aircraft**

14 “(a) IN GENERAL.—Notwithstanding any other pro-
15 vision of law relating to the incorporation of unmanned
16 aircraft systems into Federal Aviation Administration
17 plans and policies, including this chapter, the Adminis-
18 trator of the Federal Aviation Administration may not
19 promulgate any new rule or regulation specific only to an
20 unmanned aircraft operating as a model aircraft if—

21 “(1) the aircraft is flown strictly for hobby or
22 recreational use;

23 “(2) the aircraft is operated in accordance with
24 a community-based set of safety guidelines and with-

1 in the programming of a nationwide community-
2 based organization;

3 “(3) not flown beyond visual line of sight of
4 persons co-located with the operator or in direct
5 communication with the operator;

6 “(4) the aircraft is operated in a manner that
7 does not interfere with and gives way to any manned
8 aircraft;

9 “(5) when flown within 5 miles of an airport,
10 the operator of the aircraft provides the airport op-
11 erator, where applicable, and the airport air traffic
12 control tower (when an air traffic facility is located
13 at the airport) with prior notice and receives ap-
14 proval, to the extent practicable, for the operation
15 from each (model aircraft operators flying from a
16 permanent location within 5 miles of an airport
17 should establish a mutually agreed upon operating
18 procedure with the airport operator and the airport
19 air traffic control tower (when an air traffic facility
20 is located at the airport));

21 “(6) the aircraft is flown from the surface to
22 not more than 400 feet in altitude; and

23 “(7) the operator has passed an aeronautical
24 knowledge and safety test administered by the Fed-
25 eral Aviation Administration online for the operation

1 of unmanned aircraft systems subject to the require-
2 ments of section 44809 and maintains proof of test
3 passage to be made available to the Administrator or
4 law enforcement upon request.

5 “(b) UPDATES.—

6 “(1) IN GENERAL.—The Administrator, in col-
7 laboration with government and industry stake-
8 holders, including nationwide community-based orga-
9 nizations, shall initiate a process to update the oper-
10 ational parameters under subsection (a), as appro-
11 priate.

12 “(2) CONSIDERATIONS.—In updating an oper-
13 ational parameter under paragraph (1), the Admin-
14 istrator shall consider—

15 “(A) appropriate operational limitations to
16 mitigate aviation safety risk and risk to the un-
17 involved public;

18 “(B) operations outside the membership,
19 guidelines, and programming of a nationwide
20 community-based organization;

21 “(C) physical characteristics, technical
22 standards, and classes of aircraft operating
23 under this section;

24 “(D) trends in use, enforcement, or inci-
25 dents involving unmanned aircraft systems; and

1 “(E) ensuring, to the greatest extent prac-
2 ticable, that updates to the operational param-
3 eters correspond to, and leverage, advances in
4 technology.

5 “(3) SAVINGS CLAUSE.—Nothing in this sub-
6 section shall be construed as expanding the author-
7 ity of the Administrator to require operators of
8 model aircraft under the exemption of this sub-
9 section to be required to seek permissive authority of
10 the Administrator prior to operation in the national
11 airspace system.

12 “(c) STATUTORY CONSTRUCTION.—Nothing in this
13 section shall be construed to limit the authority of the Ad-
14 ministrator to pursue enforcement action against persons
15 operating personal unmanned aircraft.

16 “(d) MODEL AIRCRAFT DEFINED.—In this section,
17 the term ‘model aircraft’ means an unmanned aircraft
18 that—

19 “(1) is capable of sustained flight in the atmos-
20 phere; and

21 “(2) is limited to weighing not more than 55
22 pounds, including the weight of anything attached to
23 or carried by the aircraft, unless otherwise approved
24 through a design, construction, inspection, flight

1 test, and operational safety program administered by
2 a community-based organization.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) TABLE OF CONTENTS.—The table of con-
5 tents for chapter 448, as amended by section 2128
6 of this Act, is further amended by inserting after the
7 item relating to section 44807 the following:

“44808. Special rules for model aircraft.”.

8 (2) SPECIAL RULE FOR MODEL AIRCRAFT.—

9 Section 336 of the FAA Modernization and Reform
10 Act of 2012 (49 U.S.C. 40101 note) and the item
11 relating to that section in the table of contents
12 under section 1(b) of that Act (126 Stat. 13) are re-
13 pealed.

14 **SEC. 2130. UNMANNED AIRCRAFT SYSTEMS AERONAUTICAL**
15 **KNOWLEDGE AND SAFETY.**

16 (a) IN GENERAL.—Chapter 448, as amended by sec-
17 tion 2129 of this Act, is further amended by inserting
18 after section 44808 the following:

19 **“§ 44809. Aeronautical knowledge and safety test**

20 “(a) IN GENERAL.—An individual may not operate
21 an unmanned aircraft system unless—

22 “(1) the individual has successfully completed
23 an aeronautical knowledge and safety test under
24 subsection (c);

1 “(2) the individual has authority to operate an
2 unmanned aircraft under other Federal law; or

3 “(3) the individual is a holder of an airmen cer-
4 tificate issued under section 44703.

5 “(b) EXCEPTION.—This section shall not apply to the
6 operation of an unmanned aircraft system that has been
7 authorized by the Federal Aviation Administration under
8 section 44802, section 44805, section 44806, or section
9 44807.

10 “(c) AERONAUTICAL KNOWLEDGE AND SAFETY
11 TEST.—Not later than 180 days after the date of enact-
12 ment of the Federal Aviation Administration Reauthoriza-
13 tion Act of 2016, the Administrator of the Federal Avia-
14 tion Administration, in consultation with manufacturers
15 of unmanned aircraft systems, other industry stake-
16 holders, and community-based aviation organizations,
17 shall develop an aeronautical knowledge and safety test
18 that can be administered electronically.

19 “(d) REQUIREMENTS.—The Administrator shall en-
20 sure that the aeronautical knowledge and safety test is de-
21 signed to adequately demonstrate an operator’s—

22 “(1) understanding of aeronautical safety
23 knowledge, as applicable; and

24 “(2) knowledge of Federal Aviation Administra-
25 tion regulations and requirements pertaining to the

1 operation of an unmanned aircraft system in the na-
2 tional airspace system.

3 “(e) RECORD OF COMPLIANCE.—

4 “(1) IN GENERAL.—Each operator of an un-
5 manned aircraft system described under subsection
6 (a) shall maintain and make available for inspection,
7 upon request by the Administrator or a Federal,
8 State, or local law enforcement officer, a record of
9 compliance with this section through—

10 “(A) an identification number, issued by
11 the Federal Aviation Administration certifying
12 passage of the aeronautical knowledge and safe-
13 ty test;

14 “(B) if the individual has authority to op-
15 erate an unmanned aircraft system under other
16 Federal law, the requisite proof of authority
17 under that law; or

18 “(C) an airmen certificate issued under
19 section 44703.

20 “(2) COORDINATION.—The Administrator may
21 coordinate the identification number under para-
22 graph (1)(A) with an operator’s registration number
23 to the extent practicable.

24 “(3) LIMITATION.—No fine or penalty may be
25 imposed for the initial failure of an operator of an

1 unmanned aircraft system to comply with paragraph
2 (1) unless the Administrator finds that the conduct
3 of the operator actually posed a risk to the national
4 airspace system.”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 chapter 448, as amended by section 2129 of this Act, is
7 amended by inserting after the item relating to section
8 44808 the following:

“44809. Aeronautical knowledge and safety test.”.

9 **SEC. 2131. SAFETY STATEMENTS.**

10 (a) IN GENERAL.—Chapter 448, as amended by sec-
11 tion 2130 of this Act, is further amended by inserting
12 after section 44809 the following:

13 **“§ 44810. Safety statements**

14 “(a) PROHIBITION.—Except as provided in sub-
15 section (d), it shall be unlawful for any person to introduce
16 or deliver for introduction into interstate commerce any
17 unmanned aircraft manufactured on or after the date this
18 section takes effect unless a safety statement is attached
19 to the unmanned aircraft or accompanying the unmanned
20 aircraft in its packaging.

21 “(b) SAFETY STATEMENT.—

22 “(1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of the Federal Aviation Ad-
24 ministration Reauthorization Act of 2016, the Ad-

1 administrator of the Federal Aviation Administration
2 shall issue guidance for implementing this section.

3 “(2) REQUIREMENTS.—A safety statement de-
4 scribed in subsection (a) shall include—

5 “(A) information about laws and regula-
6 tions applicable to unmanned aircraft systems;

7 “(B) recommendations for using un-
8 manned aircraft in a manner that promotes the
9 safety of persons and property;

10 “(C) the date that the safety statement
11 was created or last modified; and

12 “(D) language approved by the Adminis-
13 trator regarding the following:

14 “(i) A person may operate the un-
15 manned aircraft as a model aircraft (as de-
16 fined in section 44808) or otherwise in ac-
17 cordance with Federal Aviation Adminis-
18 tration authorization or regulation, includ-
19 ing requirements for the completion of the
20 aeronautical knowledge and safety test
21 under section 44809.

22 “(ii) The definition of a model aircraft
23 under section 44808.

1 “(iii) The requirements regarding a
2 model aircraft under paragraphs (1)
3 through (7) of section 44808(a).

4 “(iv) The Administrator of the Fed-
5 eral Aviation Administration may pursue
6 enforcement action against a person oper-
7 ating model aircraft who endangers the
8 safety of the national airspace system.

9 “(c) CIVIL PENALTY.—A person who violates sub-
10 section (a) shall be liable for each violation to the United
11 States Government for a civil penalty described in section
12 46301(a).

13 “(d) EFFECTIVE DATE.—This section shall take ef-
14 fect on the date of enactment of this Act, except that sub-
15 section (a) of this section shall take effect 1 year after
16 the date of publication of the guidance under subsection
17 (b).”.

18 (b) TABLE OF CONTENTS.—The table of contents for
19 chapter 448, as amended by section 2130 of this Act, is
20 further amended by inserting after the item relating to
21 section 44809 the following:

 “44810. Safety statements.”.

22 **SEC. 2132. TREATMENT OF UNMANNED AIRCRAFT OPER-**
23 **ATING UNDERGROUND.**

24 An unmanned aircraft system that is operated under-
25 ground for mining purposes shall not be subject to regula-

1 tion or enforcement by the Federal Aviation Administra-
2 tion under chapter 448 of title 49, United States Code.

3 **SEC. 2133. ENFORCEMENT.**

4 (a) UAS SAFETY ENFORCEMENT.—The Adminis-
5 trator of the Federal Aviation Administration shall estab-
6 lish a program to utilize available remote detection and
7 identification technologies for safety oversight, including
8 enforcement actions against operators of unmanned air-
9 craft systems that are not in compliance with applicable
10 Federal aviation laws, including regulations.

11 (b) CIVIL PENALTIES.—

12 (1) IN GENERAL.—Section 46301 is amended—

13 (A) in subsection (a)(1)(A), by inserting
14 “chapter 448,” after “chapter 447 (except sec-
15 tions 44717 and 44719–44723),”;

16 (B) in subsection (a)(5), by inserting
17 “chapter 448,” after “chapter 447 (except sec-
18 tions 44717–44723),”;

19 (C) in subsection (d)(2), by inserting
20 “chapter 448,” after “chapter 447 (except sec-
21 tions 44717 and 44719–44723),”;

22 (D) in subsection (f), by inserting “chapter
23 448,” after “chapter 447 (except 44717 and
24 44719–44723),”.

1 (2) RULE OF CONSTRUCTION.—Nothing in this
2 subsection shall be construed to limit the authority
3 of the Administrator to pursue an enforcement ac-
4 tion for a violation of this Act, a regulation pre-
5 scribed or order or authority issued under this Act,
6 or any other applicable provision of aviation safety
7 law or regulation.

8 (c) REPORTING.—As part of the program, the Ad-
9 ministrator shall establish and publicize a mechanism for
10 the public and law enforcement, including State and local
11 law enforcement, to report a suspected abuse or a violation
12 of chapter 448 for enforcement action.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
14 out this section, there is authorized to be appropriated
15 \$5,000,000 for each of the fiscal years 2016 through
16 2017.

17 **SEC. 2134. AVIATION EMERGENCY SAFETY PUBLIC SERV-**
18 **ICES DISRUPTION.**

19 (a) IN GENERAL.—Chapter 463 is amended—

20 (1) in section 46301(d)(2), by inserting “sec-
21 tion 46320,” after “section 46319,”; and

22 (2) by adding at the end the following:

1 **“§ 46320. Interference with firefighting, law enforce-**
2 **ment, or emergency response activities**

3 “(a) PROHIBITION.—No person may operate an air-
4 craft so as to interfere with firefighting, law enforcement,
5 or emergency response activities.

6 “(b) DEFINITION.—For purposes of this section, an
7 aircraft interferes with the activities specified in sub-
8 section (a) when its operation prevents the initiation of,
9 interrupts, or endangers a person or property engaged in
10 those activities.

11 “(c) CIVIL PENALTY.—A person violating subsection
12 (a) shall be liable for a civil penalty of not more than
13 \$20,000.

14 “(d) COMPROMISE AND SETOFF.—The United States
15 Government may deduct the amount of a civil penalty im-
16 posed or compromised under this section from the
17 amounts the Government owes the person liable for the
18 penalty.”.

19 (b) TABLE OF CONTENTS.—The table of contents for
20 chapter 463 is amended by inserting after the item relat-
21 ing to section 46319 the following:

“46320. Interference with firefighting, law enforcement, or emergency response
activities.”.

1 **SEC. 2135. PILOT PROJECT FOR AIRPORT SAFETY AND AIR-**
2 **SPACE HAZARD MITIGATION.**

3 (a) IN GENERAL.—The Administrator of the Federal
4 Aviation Administration shall carry out a pilot program
5 for airspace hazard mitigation at airports and other crit-
6 ical infrastructure.

7 (b) CONSULTATION.—In carrying out the pilot pro-
8 gram under subsection (a), the Administrator shall work
9 with the Secretary of Defense, Secretary of Homeland Se-
10 curity, and the heads of relevant Federal agencies for the
11 purpose of ensuring technologies that are developed, test-
12 ed, or deployed by those departments and agencies to miti-
13 gate threats posed by errant or hostile unmanned aircraft
14 system operations do not adversely impact or interfere
15 with safe airport operations, navigation, and air traffic
16 services.

17 (c) AUTHORIZATION.—There is authorized to be ap-
18 propriated from the Airport and Airway Trust Fund to
19 carry out this section \$6,000,000, and to remain available
20 until expended.

21 **SEC. 2136. CONTRIBUTION TO FINANCING OF REGULATORY**
22 **FUNCTIONS.**

23 (a) IN GENERAL.—Chapter 448, as amended by sec-
24 tion 2131 of this Act, is further amended by inserting
25 after section 44810 the following:

1 **“§ 44811. Regulatory and administrative fees**

2 “(a) IN GENERAL.—Subject to subsection (b), the
3 Administrator may assess and collect regulatory and ad-
4 ministrative fees to recover the costs of regulatory and ad-
5 ministrative activities under this chapter, including en-
6 forcement activities, policy and rulemaking activities, and
7 applications for authorization to operate unmanned air-
8 craft systems for compensation or hire, or in the further-
9 ance of a business enterprise.

10 “(b) LIMITATIONS.—Fees authorized under sub-
11 section (a) shall be reasonable, cost-based relative to the
12 regulatory or administrative activity, and may not be dis-
13 criminatory or a deterrent to compliance.

14 “(c) RECEIPTS CREDITED TO ACCOUNT.—Notwith-
15 standing section 3302 of title 31, all fees and amounts
16 collected under this section shall be credited to the sepa-
17 rate account established under section 45303(c).

18 “(d) REGULATIONS.—Not later than 1 year after the
19 date of enactment of the Federal Aviation Administration
20 Reauthorization Act of 2016, the Administrator shall issue
21 regulations to carry out this section.”.

22 (b) TABLE OF CONTENTS.—The table of contents for
23 chapter 448, as amended by section 2131 of this Act, is
24 further amended by inserting after the item relating to
25 section 44810 the following:

“44811. Regulatory and administrative fees.”.

1 **SEC. 2137. SENSE OF CONGRESS REGARDING SMALL UAS**
2 **RULEMAKING.**

3 It is the sense of the Congress that the Administrator
4 of the Federal Aviation Administration and the Secretary
5 of Transportation should take every necessary action to
6 expedite final action on the notice of proposed rulemaking
7 dated February 23, 2015 (80 Fed. Reg. 9544), entitled
8 “Operation and Certification of Small Unmanned Aircraft
9 Systems”.

10 **SEC. 2138. UNMANNED AIRCRAFT SYSTEM TRAFFIC MAN-**
11 **AGEMENT.**

12 (a) RESEARCH PLAN FOR UTM DEVELOPMENT.—

13 (1) IN GENERAL.—The Administrator of the
14 Federal Aviation Administration, in coordination
15 with the Administrator of the National Aeronautics
16 and Space Administration, shall develop a research
17 plan for unmanned traffic management development.

18 (2) REQUIREMENTS.—In developing the re-
19 search plan under paragraph (1), the Administrator
20 shall—

21 (A) identify research goals;

22 (B) assess the operational parameters and
23 system requirements necessary to evaluate un-
24 manned traffic management systems;

25 (C) research—

- 1 (i) operational parameters related to
2 altitude, geographic coverage, classes of
3 airspace, and critical infrastructure;
- 4 (ii) avionics capability requirements or
5 standards;
- 6 (iii) operator identification and au-
7 thentication requirements and capabilities;
- 8 (iv) communication protocols with air
9 traffic control facilities that will not inter-
10 fere with existing responsibility to
11 deconflict manned aircraft in the national
12 airspace system;
- 13 (v) collision avoidance requirements;
- 14 (vi) separation standards for manned
15 and unmanned aircraft; and
- 16 (vii) spectrum needs;
- 17 (D) evaluate options for the administration
18 and management structure for the traffic man-
19 agement of low altitude operations of small un-
20 manned aircraft systems; and
- 21 (E) ensure the plan is consistent with the
22 broader Federal Aviation Administration regu-
23 latory and operational framework encompassing
24 all unmanned aircraft system operations ex-

1 pected to be authorized in the national airspace
2 system.

3 (3) ASSESSMENT.—The research plan under
4 paragraph (1) shall include an assessment of—

5 (A) the ability to allow near-term small un-
6 manned aircraft system operations without need
7 of an automated traffic management system;

8 (B) the full range of operational capability
9 any automated traffic management system
10 should possess;

11 (C) the operational characteristics and
12 metrics that would drive incremental adoption
13 of automated capability and procedures con-
14 sistent with a rising aggregate community de-
15 mand for service for low altitude operations of
16 small unmanned aircraft; and

17 (D) the integration points for small un-
18 manned aircraft system traffic management
19 with the existing national airspace system plan-
20 ning and traffic management systems.

21 (4) DEADLINES.—The Administrator shall—

22 (A) initiate development of the research
23 plan not later than 90 days after the date of
24 enactment of this Act; and

1 (B) not later than 180 days after the date
2 of enactment of this Act—

3 (i) complete the research plan;

4 (ii) submit the research plan to the
5 appropriate committees of Congress; and

6 (iii) publish the research plan on the
7 Federal Aviation Administration's Web
8 site.

9 (b) PILOT PROGRAM.—

10 (1) IN GENERAL.—Not later than 120 days
11 after the date the research plan under subsection (a)
12 is submitted under subsection (a)(4)(B), the Admin-
13 istrator of the Federal Aviation Administration shall
14 coordinate with the Administrator of the National
15 Aeronautics and Space Administration and small un-
16 manned aircraft industry to develop operational con-
17 cepts and top-level system requirements for an un-
18 manned aircraft traffic management pilot program,
19 consistent with subsection (a).

20 (2) SOLICITATION.—The Administrator shall
21 issue a solicitation for operational prototype systems
22 that meet these objectives for use in a pilot program
23 to demonstrate, validate, or modify, as appropriate,
24 these concepts and requirements.

25 (c) COMPREHENSIVE PLAN.—

1 (1) IN GENERAL.—Not later than 270 days
2 after the date the pilot program under subsection
3 (b) is complete, the Administrator of the Federal
4 Aviation Administration, in coordination with the
5 Administrator of the National Aeronautics and
6 Space Administration, and in consultation with the
7 head of each relevant Federal agency, shall develop
8 a comprehensive plan for the deployment of un-
9 manned aircraft traffic management systems in the
10 national airspace.

11 (2) SYSTEM REQUIREMENTS.—The comprehen-
12 sive plan under paragraph (1) shall include require-
13 ments or standards consistent with established or
14 planned rulemaking for, at a minimum—

15 (A) the flight of small unmanned aircraft
16 in controlled and uncontrolled airspace;

17 (B) communications, as applicable—

18 (i) among small unmanned aircraft;

19 (ii) between small unmanned aircraft
20 and manned aircraft operating in the same
21 airspace; and

22 (iii) between small unmanned aircraft
23 and air traffic control as considered nec-
24 essary; and

1 (C) air traffic management for small un-
2 manned aircraft operations.

3 (d) SYSTEM IMPLEMENTATION.—Based on the com-
4 prehensive plan under subsection (c), including the re-
5 quirements under paragraph (2) of that subsection, and
6 the pilot program under section (b), the Administrator
7 shall determine the operational need and implementation
8 schedule for evolutionary use of automation support sys-
9 tems to separate and deconflict manned and unmanned
10 aircraft.

11 **SEC. 2139. EMERGENCY EXEMPTION PROCESS.**

12 (a) IN GENERAL.—Not later than 90 days after the
13 date of enactment of this Act, the Administrator of the
14 Federal Aviation Administration shall publish guidance
15 for the application for and procedures for the processing
16 of, on an emergency basis, exemptions or certificates of
17 authorization or waiver for the use of unmanned aircraft
18 systems for emergency response operations. This guidance
19 shall outline procedures for operations under both sections
20 44805 and 44807, United States Code, with priority given
21 to applications for public unmanned aircraft systems en-
22 gaged in emergency response activities.

23 (b) REQUIREMENTS.—In providing guidance under
24 subsection (a), the Administrator shall—

1 (1) if applicable, make explicit any safety re-
 2 quirements that must be met for the consideration
 3 of applications that include requests for beyond vis-
 4 ual line of sight and nighttime operations; and

5 (2) if applicable, explicitly state the procedures
 6 for coordinating with an incident commander to en-
 7 sure operations granted under procedures developed
 8 under subsection (a) do not interfere with manned
 9 emergency response operations or otherwise impact
 10 response efforts.

11 **SEC. 2140. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
 12 **MENTS.**

13 (a) PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-
 14 MENTS.—Section 40102(a)(41) is amended by adding at
 15 the end the following:

16 “(F) An unmanned aircraft that is owned
 17 and operated by an Indian tribal government
 18 (as defined in section 102 of the Robert T.
 19 Stafford Disaster Relief and Emergency Assist-
 20 ance Act (42 U.S.C. 5122)), except as provided
 21 in section 40125(b).”.

22 (b) CONFORMING AMENDMENT.—Section 40125(b)
 23 is amended by striking “or (D)” and inserting “(D), or
 24 (F)”.

1 **PART III—TRANSITION AND SAVINGS**

2 **PROVISIONS**

3 **SEC. 2141. SENIOR ADVISOR FOR UNMANNED AIRCRAFT**

4 **SYSTEMS INTEGRATION.**

5 (a) **IN GENERAL.**—There shall be in the Federal
6 Aviation Administration a Senior Advisor for Unmanned
7 Aircraft Systems Integration.

8 (b) **QUALIFICATIONS.**—The Senior Advisor for Un-
9 manned Aircraft Systems Integration shall have a dem-
10 onstrated ability in management and knowledge of or ex-
11 perience in aviation.

12 (c) **RESPONSIBILITIES.**—Unless otherwise deter-
13 mined by the Administrator of the Federal Aviation Ad-
14 ministration—

15 (1) the Senior Advisor shall report directly to
16 the Deputy Administrator of the Federal Aviation
17 Administration; and

18 (2) the responsibilities of the Senior Advisor
19 shall include the following:

20 (A) Providing advice to the Administrator
21 and Deputy Administrator related to the inte-
22 gration of unmanned aircraft systems into the
23 national airspace system.

24 (B) Reviewing and evaluating Federal
25 Aviation Administration policies, activities, and

1 operations related to unmanned aircraft sys-
2 tems.

3 (C) Facilitating coordination and collabo-
4 ration among components of the Federal Avia-
5 tion Administration with respect to activities re-
6 lated to unmanned aircraft systems integration.

7 (D) Interacting with Congress, and Fed-
8 eral, State, or local agencies, and stakeholder
9 organizations whose operations and interests
10 are affected by the activities of the Federal
11 Aviation Administration on matters related to
12 unmanned aircraft systems integration.

13 **SEC. 2142. EFFECT ON OTHER LAWS.**

14 (a) **FEDERAL PREEMPTION.**—No State or political
15 subdivision of a State may enact or enforce any law, regu-
16 lation, or other provision having the force and effect of
17 law relating to the design, manufacture, testing, licensing,
18 registration, certification, operation, or maintenance of an
19 unmanned aircraft system, including airspace, altitude,
20 flight paths, equipment or technology requirements, pur-
21 pose of operations, and pilot, operator, and observer quali-
22 fications, training, and certification.

23 (b) **PRESERVATION OF STATE AND LOCAL AUTHOR-**
24 **ITY.**—Nothing in this subtitle shall be construed to limit
25 a State or local government’s authority to enforce Federal,

1 State, or local laws relating to nuisance, voyeurism, har-
2 assment, reckless endangerment, wrongful death, personal
3 injury, property damage, or other illegal acts arising from
4 the use of unmanned aircraft systems if such laws are not
5 specifically related to the use of an unmanned aircraft sys-
6 tem for those illegal acts.

7 (c) NO PREEMPTION OF COMMON LAW OR STATU-
8 TORY CAUSES OF ACTION.—Nothing in this subtitle, nor
9 any standard, rule, requirement, standard of performance,
10 safety determination, or certification implemented pursu-
11 ant to this subtitle, shall be construed to preempt, dis-
12 place, or supplant any State or Federal common law rights
13 or any State or Federal statute creating a remedy for civil
14 relief, including those for civil damage, or a penalty for
15 a criminal conduct. Notwithstanding any other provision
16 of this subtitle, nothing in this subtitle, nor any amend-
17 ments made by this subtitle, shall preempt or preclude any
18 cause of action for personal injury, wrongful death, prop-
19 erty damage, or other injury based on negligence, strict
20 liability, products liability, failure to warn, or any other
21 legal theory of liability under any State law, maritime law,
22 or Federal common law or statutory theory if such laws
23 are not specifically related to the use of an unmanned air-
24 craft system.

1 **SEC. 2143. TRANSITION LANGUAGE.**

2 (a) REGULATIONS.—Notwithstanding the repeals
3 under sections 2122(b)(2), 2125(b)(2), 2126(b)(2),
4 2128(b)(2), and 2129(b)(2) of this Act, all orders, deter-
5 minations, rules, regulations, permits, grants, and con-
6 tracts, which have been issued under any law described
7 under subsection (b) of this section on or before the effec-
8 tive date of this Act shall continue in effect until modified
9 or revoked by the Secretary of Transportation, acting
10 through the Administrator of the Federal Aviation Admin-
11 istration, as applicable, by a court of competent jurisdic-
12 tion, or by operation of law other than this Act.

13 (b) LAWS DESCRIBED.—The laws described under
14 this subsection are as follows:

15 (1) Section 332(c) of the FAA Modernization
16 and Reform Act of 2012 (49 U.S.C. 40101 note).

17 (2) Section 332(d) of the FAA Modernization
18 and Reform Act of 2012 (49 U.S.C. 40101 note).

19 (3) Section 333 of the FAA Modernization and
20 Reform Act of 2012 (49 U.S.C. 40101 note).

21 (4) Section 334 of the FAA Modernization and
22 Reform Act of 2012 (49 U.S.C. 40101 note).

23 (5) Section 336 of the FAA Modernization and
24 Reform Act of 2012 (49 U.S.C. 40101 note).

1 (c) EFFECT ON PENDING PROCEEDINGS.—This Act
2 shall not affect administrative or judicial proceedings
3 pending on the effective date of this Act.

4 **Subtitle B—FAA Safety**
5 **Certification Reform**

6 **PART I—GENERAL PROVISIONS**

7 **SEC. 2211. DEFINITIONS.**

8 In this subtitle:

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the Federal
11 Aviation Administration.

12 (2) ADVISORY COMMITTEE.—The term “Advi-
13 sory Committee” means the Safety Oversight and
14 Certification Advisory Committee established under
15 section 2212.

16 (3) FAA.—The term “FAA” means the Fed-
17 eral Aviation Administration.

18 (4) SECRETARY.—The term “Secretary” means
19 the Secretary of Transportation.

20 (5) SYSTEMS SAFETY APPROACH.—The term
21 “systems safety approach” means the application of
22 specialized technical and managerial skills to the
23 systematic, forward-looking identification and con-
24 trol of hazards throughout the lifecycle of a project,
25 program, or activity.

1 **SEC. 2212. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
2 **SORY COMMITTEE.**

3 (a) ESTABLISHMENT.—Not later than 60 days after
4 the date of enactment of this Act, the Secretary shall es-
5 tablish a Safety Oversight and Certification Advisory
6 Committee in accordance with this section.

7 (b) DUTIES.—The Advisory Committee shall provide
8 advice to the Secretary on policy-level issues facing the
9 aviation community that are related to FAA safety over-
10 sight and certification programs and activities, including
11 the following:

12 (1) Aircraft and flight standards certification
13 processes, including efforts to streamline those proc-
14 esses.

15 (2) Implementation and oversight of safety
16 management systems.

17 (3) Risk-based oversight efforts.

18 (4) Utilization of delegation and designation au-
19 thorities, including organization designation author-
20 ization.

21 (5) Regulatory interpretation standardization
22 efforts.

23 (6) Training programs.

24 (7) Expediting the rulemaking process and
25 prioritizing safety-related rules.

1 (8) Enhancing global competitiveness of U.S.
2 manufactured and FAA type-certificate aircraft
3 products and services throughout the world.

4 (c) FUNCTIONS.—In carrying out its duties under
5 subsection (b) related to FAA safety oversight and certifi-
6 cation programs and activities, the Advisory Committee
7 shall—

8 (1) foster aviation stakeholder collaboration in
9 an open and transparent manner;

10 (2) consult with, and ensure participation by—

11 (A) the private sector, including represent-
12 atives of—

13 (i) general aviation;

14 (ii) commercial aviation;

15 (iii) aviation labor;

16 (iv) aviation, aerospace, and avionics
17 manufacturing; and

18 (v) unmanned aircraft systems indus-
19 try; and

20 (B) the public;

21 (3) recommend consensus national goals, stra-
22 tegic objectives, and priorities for the most efficient,
23 streamlined, and cost-effective safety oversight and
24 certification processes in order to maintain the safe-
25 ty of the aviation system while allowing the FAA to

1 meet future needs and ensure that aviation stake-
2 holders remain competitive in the global market-
3 place;

4 (4) provide policy recommendations for the
5 FAA's safety oversight and certification efforts;

6 (5) periodically review and provide rec-
7 ommendations regarding the FAA's safety oversight
8 and certification efforts;

9 (6) periodically review and evaluate registration,
10 certification, and related fees;

11 (7) provide appropriate legislative, regulatory,
12 and guidance recommendations for the air transpor-
13 tation system and the aviation safety regulatory en-
14 vironment;

15 (8) recommend performance objectives for the
16 FAA and aviation industry;

17 (9) recommend performance metrics for the
18 FAA and the aviation industry to be tracked and re-
19 viewed as streamlining certification reform, flight
20 standards reform, and regulation standardization ef-
21 forts progress;

22 (10) provide a venue for tracking progress to-
23 ward national goals and sustaining joint commit-
24 ments;

1 (11) recommend recruiting, hiring, staffing lev-
2 els, training, and continuing education objectives for
3 FAA aviation safety engineers and aviation safety
4 inspectors;

5 (12) provide advice and recommendations to the
6 FAA on how to prioritize safety rulemaking projects;

7 (13) improve the development of FAA regula-
8 tions by providing information, advice, and rec-
9 ommendations related to aviation issues;

10 (14) encourage the validation of U.S. manufac-
11 tured and FAA type-certificate aircraft products and
12 services throughout the world; and

13 (15) any other functions as determined appro-
14 priate by the chairperson of the Advisory Committee
15 and the Administrator.

16 (d) MEMBERSHIP.—

17 (1) VOTING MEMBERS.—The Advisory Com-
18 mittee shall be composed of the following voting
19 members:

20 (A) The Administrator, or the Administra-
21 tor's designee.

22 (B) At least 1 representative, appointed by
23 the Secretary, of each of the following:

24 (i) Aircraft and engine manufacturers.

1 (ii) Avionics and equipment manufac-
2 turers.

3 (iii) Aviation labor organizations, in-
4 cluding collective bargaining representa-
5 tives of FAA aviation safety inspectors and
6 aviation safety engineers.

7 (iv) General aviation operators.

8 (v) Air carriers.

9 (vi) Business aviation operators.

10 (vii) Unmanned aircraft systems man-
11 ufacturers and operators.

12 (viii) Aviation safety management ex-
13 perts.

14 (2) NONVOTING MEMBERS.—

15 (A) IN GENERAL.—In addition to the
16 members appointed under paragraph (1), the
17 Advisory Committee shall be composed of non-
18 voting members appointed by the Secretary
19 from among individuals representing FAA safe-
20 ty oversight program offices.

21 (B) DUTIES.—A nonvoting member may—

22 (i) take part in deliberations of the
23 Advisory Committee; and

1 (ii) provide input with respect to any
2 report or recommendation of the Advisory
3 Committee.

4 (C) LIMITATION.—A nonvoting member
5 may not represent any stakeholder interest
6 other than that of an FAA safety oversight pro-
7 gram office.

8 (3) TERMS.—Each voting member and non-
9 voting member of the Advisory Committee shall be
10 appointed for a term of 2 years.

11 (4) RULE OF CONSTRUCTION.—Public Law
12 104–65 (2 U.S.C. 1601 et seq.) may not be con-
13 strued to prohibit or otherwise limit the appointment
14 of any individual as a member of the Advisory Com-
15 mittee.

16 (e) COMMITTEE CHARACTERISTICS.—The Advisory
17 Committee shall have the following characteristics:

18 (1) Each voting member under subsection
19 (d)(1)(B) shall be an executive that has decision au-
20 thority within the member’s organization and can
21 represent and enter into commitments on behalf of
22 that organization in a way that serves the entire
23 group of organizations that member represents
24 under that subsection.

1 (2) The ability to obtain necessary information
2 from experts in the aviation and aerospace commu-
3 nities.

4 (3) A membership size that enables the Advi-
5 sory Committee to have substantive discussions and
6 reach consensus on issues in an expeditious manner.

7 (4) Appropriate expertise, including expertise in
8 certification and risk-based safety oversight proc-
9 esses, operations, policy, technology, labor relations,
10 training, and finance.

11 (f) CHAIRPERSON.—

12 (1) IN GENERAL.—The chairperson of the Advi-
13 sory Committee shall be appointed by the Secretary
14 from among the voting members under subsection
15 (d)(1)(B).

16 (2) TERM.—Each member appointed under
17 paragraph (1) shall serve a term of 2 years as chair-
18 person.

19 (g) MEETINGS.—

20 (1) FREQUENCY.—The Advisory Committee
21 shall convene at least 2 meetings a year at the call
22 of the chairperson.

23 (2) PUBLIC ATTENDANCE.—Each meeting of
24 the Advisory Committee shall be open and accessible
25 to the public.

1 (h) SPECIAL COMMITTEES.—

2 (1) ESTABLISHMENT.—The Advisory Com-
3 mittee may establish 1 or more special committees
4 composed of private sector representatives, members
5 of the public, labor representatives, and other rel-
6 evant parties in complying with consultation and
7 participation requirements under subsection (c)(2).

8 (2) RULEMAKING ADVICE.—A special com-
9 mittee established by the Advisory Committee may—

10 (A) provide rulemaking advice and rec-
11 ommendations to the Advisory Committee;

12 (B) provide the FAA additional opportuni-
13 ties to obtain firsthand information and insight
14 from those persons that are most affected by
15 existing and proposed regulations; and

16 (C) assist in expediting the development,
17 revision, or elimination of rules in accordance
18 with, and without circumventing, established
19 public rulemaking processes and procedures.

20 (3) FEDERAL ADVISORY COMMITTEE ACT.—The
21 Federal Advisory Committee Act (5 U.S.C. App.)
22 shall not apply to a special committee under this
23 subsection.

24 (i) SUNSET.—The Advisory Committee shall cease to
25 exist on September 30, 2017.

1 **PART II—AIRCRAFT CERTIFICATION REFORM**

2 **SEC. 2221. AIRCRAFT CERTIFICATION PERFORMANCE OB-**
3 **JECTIVES AND METRICS.**

4 (a) **IN GENERAL.**—Not later than 120 days after the
5 date the Advisory Committee is established under section
6 2212, the Administrator shall establish performance objec-
7 tives and apply and track performance metrics for the
8 FAA and the aviation industry relating to aircraft certifi-
9 cation in accordance with this section.

10 (b) **COLLABORATION.**—The Administrator shall carry
11 out this section in collaboration with the Advisory Com-
12 mittee and update agency performance objectives and
13 metrics after considering the proposals recommended by
14 the Advisory Committee under paragraphs (8) and (9) of
15 section 2212(c).

16 (c) **PERFORMANCE OBJECTIVES.**—In establishing
17 performance objectives under subsection (a), the Adminis-
18 trator shall ensure progress is made toward, at a min-
19 imum—

20 (1) eliminating certification delays and improv-
21 ing cycle times;

22 (2) increasing accountability for both FAA and
23 the aviation industry;

24 (3) achieving full utilization of FAA delegation
25 and designation authorities, including organizational
26 designation authorization;

- 1 (4) fully implementing risk management prin-
2 ciples and a systems safety approach;
- 3 (5) reducing duplication of effort;
- 4 (6) increasing transparency;
- 5 (7) developing and providing training, including
6 recurrent training, in auditing and a systems safety
7 approach to certification oversight;
- 8 (8) improving the process for approving or ac-
9 cepting the certification actions between the FAA
10 and bilateral partners;
- 11 (9) maintaining and improving safety;
- 12 (10) streamlining the hiring process for—
- 13 (A) qualified systems safety engineers at
14 staffing levels to support the FAA’s efforts to
15 implement a systems safety approach; and
- 16 (B) qualified systems safety engineers to
17 guide the engineering of complex systems within
18 the FAA; and
- 19 (11) maintaining the leadership of the United
20 States in international aviation and aerospace.
- 21 (d) PERFORMANCE METRICS.—In carrying out sub-
22 section (a), the Administrator shall—
- 23 (1) apply and track performance metrics for the
24 FAA and the aviation industry; and

1 (2) transmit to the appropriate committees of
2 Congress an annual report on tracking the progress
3 toward full implementation of the recommendations
4 under section 2212.

5 (e) DATA.—

6 (1) BASELINES.—Not later than 1 year after
7 the date the Advisory Committee recommends initial
8 performance metrics under section 2212(c)(9), the
9 Administrator shall generate initial data with respect
10 to each of the performance metrics applied and
11 tracked under this section.

12 (2) BENCHMARKS.—The Administrator shall
13 use the performance metrics applied and tracked
14 under this section to generate data on an ongoing
15 basis and to measure progress toward the consensus
16 national goals, strategic objectives, and priorities
17 recommended under section 2212(c)(3).

18 (f) PUBLICATION.—

19 (1) IN GENERAL.—Subject to paragraph (2),
20 the Administrator shall make data generated using
21 the performance metrics applied and tracked under
22 this section available in a searchable, sortable, and
23 downloadable format through the Internet Web site
24 of the FAA or other appropriate methods.

1 (2) LIMITATIONS.—The Administrator shall
2 make the data under paragraph (1) available in a
3 manner that—

4 (A) protects from disclosure identifying in-
5 formation regarding an individual or entity; and

6 (B) protects from inappropriate disclosure
7 proprietary information.

8 **SEC. 2222. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

9 (a) IN GENERAL.—Chapter 447 is amended by add-
10 ing at the end the following:

11 **“§ 44736. Organization designation authorizations**

12 “(a) DELEGATIONS OF FUNCTIONS.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (3), in the oversight of an ODA holder, the
15 Administrator of the Federal Aviation Administra-
16 tion, in accordance with Federal Aviation Adminis-
17 tration standards, shall—

18 “(A) require, based on an application sub-
19 mitted by the ODA holder and approved by the
20 Administrator (or the Administrator’s des-
21 ignee), a procedures manual that addresses all
22 procedures and limitations regarding the speci-
23 fied functions to be performed by the ODA
24 holder subject to regulations prescribed by the
25 Administrator;

1 “(B) delegate fully to the ODA holder each
2 of the functions specified in the procedures
3 manual, unless the Administrator determines,
4 after the date of the delegation and as a result
5 of an inspection or other investigation, that the
6 public interest and safety of air commerce re-
7 quires a limitation with respect to 1 or more of
8 the functions; and

9 “(C) conduct oversight activities, including
10 by inspecting the ODA holder’s delegated func-
11 tions and taking action based on validated in-
12 spection findings.

13 “(2) DUTIES OF ODA HOLDERS.—An ODA
14 holder shall—

15 “(A) perform each specified function dele-
16 gated to the ODA holder in accordance with the
17 approved procedures manual for the delegation;

18 “(B) make the procedures manual avail-
19 able to each member of the appropriate ODA
20 unit; and

21 “(C) cooperate fully with oversight activi-
22 ties conducted by the Administrator in connec-
23 tion with the delegation.

24 “(3) EXISTING ODA HOLDERS.—With regard to
25 an ODA holder operating under a procedures man-

1 ual approved by the Administrator before the date of
2 enactment of the Federal Aviation Administration
3 Reauthorization Act of 2016, the Administrator
4 shall—

5 “(A) at the request of the ODA holder,
6 and in an expeditious manner, consider revi-
7 sions to the ODA holder’s procedures manual;

8 “(B) delegate fully to the ODA holder each
9 of the functions specified in the procedures
10 manual, unless the Administrator determines,
11 after the date of the delegation and as a result
12 of an inspection or other investigation, that the
13 public interest and safety of air commerce re-
14 quires a limitation with respect to 1 or more of
15 the functions; and

16 “(C) conduct oversight activities, including
17 by inspecting the ODA holder’s delegated func-
18 tions and taking action based on validated in-
19 spection findings.

20 “(b) ODA OFFICE.—

21 “(1) ESTABLISHMENT.—Not later than 120
22 days after the date of enactment of Federal Aviation
23 Administration Reauthorization Act of 2016, the
24 Administrator shall identify, within the Office of
25 Aviation Safety, a centralized policy office to be re-

1 sponsible for the organization designation authoriza-
2 tion (referred to in this subsection as the ODA Of-
3 fice). The Director of the ODA Office shall report
4 to the Director of the Aircraft Certification Service.

5 “(2) PURPOSE.—The purpose of the ODA Of-
6 fice shall be to provide oversight and ensure consist-
7 ency of the Federal Aviation Administration audit
8 functions under the ODA program across the agen-
9 cy.

10 “(3) FUNCTIONS.—The ODA Office shall—

11 “(A) improve the Administration and the
12 ODA holder performance and ensure full use of
13 the authorities delegated under the ODA pro-
14 gram;

15 “(B) develop a more consistent approach
16 to audit priorities, procedures, and training
17 under the ODA program;

18 “(C) expeditiously review a random sample
19 of limitations on delegated authorities under the
20 ODA program to determine if the limitations
21 are appropriate; and

22 “(D) ensure national consistency in the in-
23 terpretation and application of the requirements
24 of the ODA program and in the performance of
25 the ODA program.

1 “(c) DEFINITIONS.—In this section:

2 “(1) ODA OR ORGANIZATION DESIGNATION AU-
3 THORIZATION.—The term ‘ODA’ or ‘organization
4 designation authorization’ means an authorization
5 under section 44702(d) to perform approved func-
6 tions on behalf of the Administrator of the Federal
7 Aviation Administration.

8 “(2) ODA HOLDER.—The term ‘ODA holder’
9 means an entity authorized under section
10 44702(d)—

11 “(A) to which the Administrator of the
12 Federal Aviation Administration issues an ODA
13 letter of designation under subpart D of part
14 183 of title 14, Code of Federal Regulations (or
15 any corresponding similar regulation or ruling);
16 and

17 “(B) that is responsible for administering
18 1 or more ODA units.

19 “(3) ODA PROGRAM.—The term ‘ODA pro-
20 gram’ means the program to standardize Federal
21 Aviation Administration oversight of the organiza-
22 tions that are approved to perform certain functions
23 on behalf of the Administration under section
24 44702(d).

1 “(4) ODA UNIT.—The term ‘ODA unit’ means
2 a group of 2 or more individuals under the super-
3 vision of an ODA holder who perform the specified
4 functions under an ODA.

5 “(5) ORGANIZATION.—The term ‘organization’
6 means a firm, a partnership, a corporation, a com-
7 pany, an association, a joint-stock association, or a
8 governmental entity.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
10 The table of contents of chapter 447 is amended by adding
11 after the item relating to section 44735 the following:

 “44736. Organization designation authorizations.”.

12 **SEC. 2223. ODA REVIEW.**

13 (a) EXPERT REVIEW PANEL.—

14 (1) ESTABLISHMENT.—Not later than 60 days
15 after the date of enactment of this Act, the Adminis-
16 trator of the FAA shall convene a multidisciplinary
17 expert review panel (referred to in this section as the
18 “Panel”).

19 (2) COMPOSITION.—

20 (A) IN GENERAL.—The Panel shall be
21 composed of not more than 20 members ap-
22 pointed by the Administrator.

23 (B) QUALIFICATIONS.—The members ap-
24 pointed to the Panel shall—

1 (i) each have a minimum of 5 years of
2 experience in processes and procedures
3 under the ODA program; and

4 (ii) include representatives of ODA
5 holders, aviation manufacturers, safety ex-
6 perts, and FAA labor organizations, in-
7 cluding labor representatives of FAA avia-
8 tion safety inspectors and aviation safety
9 engineers.

10 (b) SURVEY.—The Panel shall survey ODA holders
11 and ODA program applicants to document FAA safety
12 oversight and certification programs and activities, includ-
13 ing the FAA’s use of the ODA program and the speed
14 and efficiency of the certification process. In carrying out
15 this subsection, the Administrator shall consult with the
16 appropriate survey experts and the panel established
17 under subsection (a) to best design and conduct the sur-
18 vey.

19 (c) ASSESSMENT.—The Panel shall—

20 (1) conduct an assessment of—

21 (A) the FAA’s processes and procedures
22 under the ODA program and whether the proc-
23 esses and procedures function as intended;

1 (B) the best practices of and lessons
2 learned by ODA holders and the FAA personnel
3 who provide oversight of ODA holders;

4 (C) the performance incentive policies, re-
5 lated to the ODA program for FAA personnel,
6 that do not conflict with the public interest;

7 (D) the training activities related to the
8 ODA program for FAA personnel and ODA
9 holders; and

10 (E) the impact, if any, that oversight of
11 the ODA program has on FAA resources and
12 the FAA's ability to process applications for
13 certifications outside of the ODA program; and

14 (2) make recommendations for improving FAA
15 safety oversight and certification programs and ac-
16 tivities based on the results of the survey under sub-
17 section (b) and each element of the assessment
18 under paragraph (1) of this subsection.

19 (d) REPORT.—Not later than 180 days after the date
20 the Panel is convened under subsection (a), the Panel shall
21 submit to the Administrator, the Advisory Committee, and
22 the appropriate committees of Congress a report on re-
23 sults of the survey under subsection (b) and the assess-
24 ment and recommendations under subsection (c).

1 (e) DEFINITIONS.—The terms used in this section
 2 have the meanings given the terms in section 44736 of
 3 title 49, United States Code.

4 (f) FEDERAL ADVISORY COMMITTEE ACT.—The
 5 Federal Advisory Committee Act (5 U.S.C. App.) shall not
 6 apply to the Panel.

7 (g) SUNSET.—The Panel shall terminate on the date
 8 the report is submitted under subsection (d).

9 **SEC. 2224. TYPE CERTIFICATION RESOLUTION PROCESS.**

10 (a) IN GENERAL.—Section 44704(a) is amended by
 11 adding at the end the following:

12 “(6) TYPE CERTIFICATION RESOLUTION PROC-
 13 ESS.—

14 “(A) IN GENERAL.—Not later than 15
 15 months after the date of enactment of Federal
 16 Aviation Administration Reauthorization Act of
 17 2016, the Administrator shall establish an ef-
 18 fective, expeditious, and milestone-based issue
 19 resolution process for type certification activi-
 20 ties under this subsection.

21 “(B) PROCESS REQUIREMENTS.—The res-
 22 olution process shall provide for—

23 “(i) the resolution of technical issues
 24 at pre-established stages of the certifi-

1 cation process, as agreed to by the Admin-
2 istrator and the type certificate applicant;

3 “(ii) the automatic escalation to ap-
4 propriate management personnel of the
5 Federal Aviation Administration and the
6 type certificate applicant of any major cer-
7 tification process milestone that is not
8 completed or resolved within a specific pe-
9 riod of time agreed to by the Adminis-
10 trator and the type certificate applicant;
11 and

12 “(iii) the resolution of a major certifi-
13 cation process milestone escalated under
14 clause (ii) within a specific period of time
15 agreed to by the Administrator and the
16 type certificate applicant.

17 “(C) DEFINITION OF MAJOR CERTIFI-
18 CATION PROCESS MILESTONE.—In this para-
19 graph, the term ‘major certification process
20 milestone’ means a milestone related to a type
21 certification basis, type certification plan, type
22 inspection authorization, issue paper, or other
23 major type certification activity agreed to by
24 the Administrator and the type certificate appli-
25 cant.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
2 Section 44704 is amended in the heading by striking
3 “**airworthiness certificates,**” and inserting “**air-**
4 **worthiness certificates,**”.

5 **SEC. 2225. SAFETY ENHANCING TECHNOLOGIES FOR SMALL**
6 **GENERAL AVIATION AIRPLANES.**

7 (a) POLICY.—In a manner consistent with the Small
8 Airplane Revitalization Act of 2013 (49 U.S.C. 44704
9 note), not later than 180 days after the date of enactment
10 of this Act, the Administrator shall establish and begin
11 implementing a risk-based policy that streamlines the in-
12 stallation of safety enhancing technologies for small gen-
13 eral aviation airplanes in a manner that reduces regu-
14 latory delays and significantly improves safety.

15 (b) INCLUSIONS.—The safety enhancing technologies
16 for small general aviation airplanes described in subsection
17 (a) shall include, at a minimum, the replacement or ret-
18 rofit of primary flight displays, auto pilots, engine mon-
19 itors, and navigation equipment.

20 (c) COLLABORATION.—In carrying out this section,
21 the Administrator shall collaborate with general aviation
22 operators, general aviation manufacturers, and appro-
23 priate FAA labor organizations, including representatives
24 of FAA aviation safety inspectors and aviation safety engi-

1 neers, certified under section 7111 of title 5, United
2 States Code.

3 (d) DEFINITION OF SMALL GENERAL AVIATION AIR-
4 PLANE.—In this section, the term “small general aviation
5 airplane” means an airplane that—

6 (1) is certified to the standards of part 23 of
7 title 14, Code of Federal Regulations;

8 (2) has a seating capacity of not more than 9
9 passengers; and

10 (3) is not used in scheduled passenger-carrying
11 operations under part 121 of title 14, Code of Fed-
12 eral Regulations.

13 **SEC. 2226. STREAMLINING CERTIFICATION OF SMALL GEN-
14 ERAL AVIATION AIRPLANES.**

15 (a) NOTICE OF PROPOSED RULEMAKING.—Not later
16 than June 1, 2016, the Administrator shall issue a notice
17 of proposed rulemaking to comply with section 3 of the
18 Small Airplane Revitalization Act of 2013 (49 U.S.C.
19 44704 note).

20 (b) GOVERNMENT REVIEW.—The Federal Govern-
21 ment’s review process shall be streamlined to meet the
22 deadline in subsection (a).

23 (c) FINAL RULEMAKING.—Not later than December
24 31, 2016, the Administrator shall issue a final rulemaking

1 to comply with section 3 of the Small Airplane Revitaliza-
2 tion Act of 2013 (49 U.S.C. 44704 note).

3 **PART III—FLIGHT STANDARDS REFORM**

4 **SEC. 2231. FLIGHT STANDARDS PERFORMANCE OBJEC-**
5 **TIVES AND METRICS.**

6 (a) IN GENERAL.—Not later than 120 days after the
7 date the Advisory Committee is established under section
8 2212, the Administrator shall establish performance objec-
9 tives and apply and track performance metrics for the
10 FAA and the aviation industry relating to flight standards
11 activities in accordance with this section.

12 (b) COLLABORATION.—The Administrator shall carry
13 out this section in collaboration with the Advisory Com-
14 mittee and update agency performance objectives and
15 metrics after considering the recommendations of the Ad-
16 visory Committee under paragraphs (8) and (9) of section
17 2212(c).

18 (c) PERFORMANCE OBJECTIVES.—In carrying out
19 subsection (a), the Administrator shall ensure that
20 progress is made toward, at a minimum—

21 (1) eliminating delays with respect to such ac-
22 tivities;

23 (2) increasing accountability for both FAA and
24 the aviation industry;

1 (3) fully implementing risk management prin-
2 ciples and a systems safety approach;

3 (4) reducing duplication of effort;

4 (5) promoting appropriate compliance activities
5 and eliminating inconsistent regulatory interpreta-
6 tions and inconsistent enforcement activities;

7 (6) improving and providing greater opportuni-
8 ties for training, including recurrent training, in au-
9 diting and a systems safety approach to oversight;

10 (7) developing and allowing the use of a single
11 master source for guidance;

12 (8) providing and using a streamlined appeal
13 process for the resolution of regulatory interpreta-
14 tion questions;

15 (9) maintaining and improving safety; and

16 (10) increasing transparency.

17 (d) PERFORMANCE METRICS.—In carrying out sub-
18 section (a), the Administrator shall—

19 (1) apply and track performance metrics for the
20 FAA and the aviation industry; and

21 (2) transmit to the appropriate committees of
22 Congress an annual report tracking the progress to-
23 ward full implementation of the performance metrics
24 under section 2212.

25 (e) DATA.—

1 (1) BASELINES.—Not later than 1 year after
2 the date the Advisory Committee recommends initial
3 performance metrics under section 2212(c)(9), the
4 Administrator shall generate initial data with respect
5 to each of the performance metrics applied and
6 tracked that are approved based on the rec-
7 ommendations required under this section.

8 (2) BENCHMARKS.—The Administrator shall
9 use the performance metrics applied and tracked
10 under this section to generate data on an ongoing
11 basis and to measure progress toward the consensus
12 national goals, strategic objectives, and priorities
13 recommended under section 2212(c)(3).

14 (f) PUBLICATION.—

15 (1) IN GENERAL.—Subject to paragraph (2),
16 the Administrator shall make data generated using
17 the performance metrics applied and tracked under
18 this section available in a searchable, sortable, and
19 downloadable format through the Internet Web site
20 of the FAA or other appropriate methods.

21 (2) LIMITATIONS.—The Administrator shall
22 make the data under paragraph (1) available in a
23 manner that—

24 (A) protects from disclosure identifying in-
25 formation regarding an individual or entity; and

1 (B) protects from inappropriate disclosure
2 proprietary information.

3 **SEC. 2232. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
4 **FORM.**

5 (a) ESTABLISHMENT.—Not later than 90 days after
6 the date of enactment of this Act, the Administrator shall
7 establish the FAA Task Force on Flight Standards Re-
8 form (referred to in this section as the “Task Force”).

9 (b) MEMBERSHIP.—

10 (1) APPOINTMENT.—The membership of the
11 Task Force shall be appointed by the Administrator.

12 (2) NUMBER.—The Task Force shall be com-
13 posed of not more than 20 members.

14 (3) REPRESENTATION REQUIREMENTS.—The
15 membership of the Task Force shall include rep-
16 resentatives, with knowledge of flight standards reg-
17 ulatory processes and requirements, of—

18 (A) air carriers;

19 (B) general aviation;

20 (C) business aviation;

21 (D) repair stations;

22 (E) unmanned aircraft systems operators;

23 (F) flight schools;

24 (G) labor unions, including those rep-
25 resenting FAA aviation safety inspectors and

1 those representing FAA aviation safety engi-
2 neers; and

3 (H) aviation safety experts.

4 (c) DUTIES.—The duties of the Task Force shall in-
5 clude, at a minimum, identifying cost-effective best prac-
6 tices and providing recommendations with respect to—

7 (1) simplifying and streamlining flight stand-
8 ards regulatory processes;

9 (2) reorganizing the Flight Standards Service
10 to establish an entity organized by function rather
11 than geographic region, if appropriate;

12 (3) FAA aviation safety inspector training op-
13 portunities;

14 (4) FAA aviation safety inspector standards
15 and performance; and

16 (5) achieving, across the FAA, consistent—

17 (A) regulatory interpretations; and

18 (B) application of oversight activities.

19 (d) REPORT.—Not later than 1 year after the date
20 of enactment of this Act, the Task Force shall submit to
21 the Administrator, Advisory Committee, and appropriate
22 committees of Congress a report detailing—

23 (1) the best practices identified and rec-
24 ommendations provided by the Task Force under
25 subsection (c); and

1 (2) any recommendations of the Task Force for
2 additional regulatory action or cost-effective legisla-
3 tive action.

4 (e) FEDERAL ADVISORY COMMITTEE ACT.—The
5 Federal Advisory Committee Act (5 U.S.C. App.) shall not
6 apply to the Task Force.

7 (f) SUNSET.—The Task Force shall cease to exist on
8 the date that the Task Force submits the report required
9 under subsection (d).

10 **SEC. 2233. CENTRALIZED SAFETY GUIDANCE DATABASE.**

11 (a) ESTABLISHMENT.—Not later than 1 year after
12 the date of enactment of this Act, the Administrator of
13 the FAA shall establish a centralized safety guidance data-
14 base for all of the regulatory guidance issued by the FAA
15 Office of Aviation Safety regarding compliance with 1 or
16 more aviation safety-related provisions of the Code of Fed-
17 eral Regulations.

18 (b) REQUIREMENTS.—The database under subsection
19 (a) shall—

20 (1) for each guidance, include a link to the spe-
21 cific provision of the Code of Federal Regulations;

22 (2) subject to paragraph (3), be accessible to
23 the public; and

24 (3) be provided in a manner that—

1 (A) protects from disclosure identifying in-
2 formation regarding an individual or entity; and

3 (B) protects from inappropriate disclosure
4 proprietary information.

5 (c) DATA ENTRY TIMING.—

6 (1) EXISTING DOCUMENTS.—Not later than 14
7 months after the date the database is established,
8 the Administrator shall have completed entering into
9 the database any applicable regulatory guidance that
10 are in effect and were issued before that date.

11 (2) NEW REGULATORY GUIDANCE AND UP-
12 DATES.—Beginning on the date the database is es-
13 tablished, the Administrator shall ensure that any
14 applicable regulatory guidance that are issued on or
15 after that date are entered into the database as they
16 are issued.

17 (d) CONSULTATION REQUIREMENT.—In establishing
18 the database under subsection (a), the Administrator shall
19 consult and collaborate with appropriate stakeholders, in-
20 cluding labor organizations (including those representing
21 aviation workers, FAA aviation safety engineers, and FAA
22 aviation safety inspectors) and aviation industry stake-
23 holders.

24 (e) DEFINITION OF REGULATORY GUIDANCE.—In
25 this section, the term “regulatory guidance” means all

1 forms of written information issued by the FAA that an
2 individual or entity may use to interpret or apply FAA
3 regulations and requirements, including information an in-
4 dividual or entity may use to determine acceptable means
5 of compliance with such regulations and requirements,
6 such as an order, manual, circular, policy statement, and
7 legal interpretation memorandum.

8 **SEC. 2234. REGULATORY CONSISTENCY COMMUNICATIONS**
9 **BOARD.**

10 (a) ESTABLISHMENT.—Not later than 180 days after
11 the date of enactment of this Act, the Administrator of
12 the FAA shall establish a Regulatory Consistency Commu-
13 nications Board (referred to in this section as the
14 “Board”).

15 (b) CONSULTATION REQUIREMENT.—In establishing
16 the Board, the Administrator shall consult and collaborate
17 with appropriate stakeholders, including FAA labor orga-
18 nizations (including labor organizations representing FAA
19 aviation safety inspectors and labor organizations rep-
20 resenting FAA aviation safety engineers) and aviation in-
21 dustry stakeholders.

22 (c) MEMBERSHIP.—The Board shall be composed of
23 FAA representatives, appointed by the Administrator,
24 from—

25 (1) the Flight Standards Service;

1 (2) the Aircraft Certification Service; and

2 (3) the Office of the Chief Counsel.

3 (d) FUNCTIONS.—The Board shall carry out the fol-
4 lowing functions:

5 (1) Recommend, at a minimum, processes by
6 which—

7 (A) FAA personnel and persons regulated
8 by the FAA may submit regulatory interpreta-
9 tion questions without fear of retaliation;

10 (B) FAA personnel may submit written
11 questions as to whether a previous approval or
12 regulatory interpretation issued by FAA per-
13 sonnel in another office or region is correct or
14 incorrect; and

15 (C) any other person may submit anony-
16 mous regulatory interpretation questions.

17 (2) Meet on a regular basis to discuss and re-
18 solve questions submitted under paragraph (1) and
19 the appropriate application of regulations and policy
20 with respect to each question.

21 (3) Provide to a person that submitted a ques-
22 tion under subparagraph (A) or (B) of paragraph
23 (1) an expeditious written response to the question.

24 (4) Recommend a process to make the resolu-
25 tion of common regulatory interpretation questions

1 publicly available to FAA personnel and the public
2 in a manner that—

3 (A) does not reveal any identifying data of
4 the person that submitted a question; and

5 (B) protects any proprietary information.

6 (5) Ensure that responses to questions under
7 this subsection are incorporated into regulatory
8 guidance (as defined in section 2233(e)).

9 (e) PERFORMANCE METRICS, TIMELINES, AND
10 GOALS.—Not later than 180 days after the date that the
11 Advisory Committee recommends performance objectives
12 and performance metrics for the FAA and the aviation
13 industry under paragraphs (8) and (9) of section 2212(c),
14 the Administrator, in collaboration with the Advisory
15 Committee, shall—

16 (1) establish performance metrics, timelines,
17 and goals to measure the progress of the Board in
18 resolving regulatory interpretation questions sub-
19 mitted under subsection (d)(1); and

20 (2) implement a process for tracking the
21 progress of the Board in meeting the performance
22 metrics, timelines, and goals under paragraph (1).

1 **SEC. 2235. FLIGHT STANDARDS SERVICE REALIGNMENT**
2 **FEASIBILITY REPORT.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Administrator, in con-
5 sultation with relevant industry stakeholders, shall—

6 (1) determine the feasibility of realigning flight
7 standards service regional field offices to specialized
8 areas of aviation safety oversight and technical ex-
9 pertise; and

10 (2) submit to the appropriate committees of
11 Congress a report on the findings under paragraph
12 (1).

13 (b) CONSIDERATIONS.—In making a determination
14 under subsection (a), the Administrator shall consider a
15 flight standards service regional field office providing sup-
16 port in the area of its technical expertise to flight stand-
17 ards district offices and certificate management offices.

18 **SEC. 2236. ADDITIONAL CERTIFICATION RESOURCES.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law, and subject to the requirements of subsection
21 (b), the Administrator may enter into a reimbursable
22 agreement with an applicant or certificate-holder for the
23 reasonable travel and per diem expenses of the FAA asso-
24 ciated with official travel to expedite the acceptance or val-
25 idation by a foreign authority of an FAA certificate or
26 design approval.

1 (b) CONDITIONS.—The Administrator may enter into
2 an agreement under subsection (a) only if—

3 (1) the travel covered under the agreement is
4 determined to be necessary, by both the Adminis-
5 trator and the applicant or certificate-holder, to ex-
6 pedite the acceptance or validation of the relevant
7 certificate or approval;

8 (2) the travel is conducted at the request of the
9 applicant or certificate-holder;

10 (3) the travel plans and expenses are approved
11 by the applicant or certificate-holder prior to travel;
12 and

13 (4) the agreement requires payment in advance
14 of FAA services and is consistent with the processes
15 under section 106(l)(6) of title 49, United States
16 Code.

17 (c) REPORT.—Not later than 2 years after the date
18 of enactment of this Act, the Administrator shall submit
19 to the appropriate committees of Congress a report on—

20 (1) the number of occasions on which the Ad-
21 ministrator entered into reimbursable agreements
22 under this section;

23 (2) the number of occasions on which the Ad-
24 ministrator declined a request by an applicant or

1 certificate-holder to enter into a reimbursable agree-
 2 ment under this section;

3 (3) the amount of reimbursements collected in
 4 accordance with agreements under this section; and

5 (4) the extent to which reimbursable agree-
 6 ments under this section assisted in reducing the
 7 amount of time necessary for foreign authorities’
 8 validations of FAA certificates and design approvals.

9 (d) DEFINITIONS.—In this section:

10 (1) APPLICANT.—The term “applicant” means
 11 a person that has applied to a foreign authority for
 12 the acceptance or validation of an FAA certificate or
 13 design approval.

14 (2) CERTIFICATE-HOLDER.—The term “certifi-
 15 cate-holder” means a person that holds a certificate
 16 issued by the Administrator under part 21 of title
 17 14, Code of Federal Regulations.

18 **PART IV—SAFETY WORKFORCE**

19 **SEC. 2241. SAFETY WORKFORCE TRAINING STRATEGY.**

20 (a) SAFETY WORKFORCE TRAINING STRATEGY.—
 21 Not later than 60 days after the date of enactment of this
 22 Act, the Administrator of the FAA shall review and revise
 23 its safety workforce training strategy to ensure that it—

24 (1) aligns with an effective risk-based approach
 25 to safety oversight;

1 (2) best utilizes available resources;

2 (3) allows FAA employees participating in orga-
3 nization management teams or conducting ODA pro-
4 gram audits to complete, expeditiously, appropriate
5 training, including recurrent training, in auditing
6 and a systems safety approach to oversight;

7 (4) seeks knowledge-sharing opportunities be-
8 tween the FAA and the aviation industry in new
9 technologies, best practices, and other areas of inter-
10 est related to safety oversight;

11 (5) fosters an inspector and engineer workforce
12 that has the skills and training necessary to improve
13 risk-based approaches that focus on requirements
14 management and auditing skills; and

15 (6) includes, as appropriate, milestones and
16 metrics for meeting the requirements of paragraphs
17 (1) through (5).

18 (b) REPORT.—Not later than 270 days after the date
19 the strategy is established under subsection (a), the Ad-
20 ministratoꝛ shall submit to the appropriate committees of
21 Congress a report on the implementation of the strategy
22 and progress in meeting any milestones or metrics in-
23 cluded in the strategy.

24 (c) DEFINITIONS.—In this section:

1 (1) ODA HOLDER.—The term “ODA holder”
2 has the meaning given the term in section 44736 of
3 title 49, United States Code.

4 (2) ODA PROGRAM.—The term “ODA pro-
5 gram” means the program to standardize FAA over-
6 sight of the organizations that are approved to per-
7 form certain functions on behalf of the FAA under
8 section 44702(d) of title 49, United States Code.

9 (3) ORGANIZATION MANAGEMENT TEAM.—The
10 term “organization management team” means a
11 group of FAA employees consisting of FAA aviation
12 safety engineers, flight test pilots, and aviation safe-
13 ty inspectors overseeing an ODA holder and its spec-
14 ified function delegated under section 44702.

15 **SEC. 2242. WORKFORCE STUDY.**

16 (a) WORKFORCE STUDY.—Not later than 90 days
17 after the date of enactment of this Act, the Comptroller
18 General of the United States shall conduct a study to as-
19 sess the workforce and training needs of the Office of
20 Aviation Safety of the Federal Aviation Administration
21 and taking into consideration how those needs could be
22 met.

23 (b) CONTENTS.—The study under subsection (a)
24 shall include—

1 (1) a review of the current staffing levels and
2 requirements for hiring and training, including re-
3 current training, of aviation safety inspectors and
4 aviation safety engineers;

5 (2) an analysis of the skills and qualifications
6 required of aviation safety inspectors and aviation
7 safety engineers for successful performance in the
8 current and future projected aviation safety regu-
9 latory environment, including an analysis of the need
10 for a systems engineering discipline within the Fed-
11 eral Aviation Administration to guide the engineer-
12 ing of complex systems, with an emphasis on audit-
13 ing an ODA holder (as defined in section 44736(c)
14 of title 49, United States Code);

15 (3) a review of current performance incentive
16 policies of the Federal Aviation Administration, as
17 applied to the Office of Aviation Safety, including
18 awards for performance;

19 (4) an analysis of ways the Federal Aviation
20 Administration can work with the aviation industry
21 and FAA labor force to establish knowledge-sharing
22 opportunities between the Federal Aviation Adminis-
23 tration and the aviation industry in new tech-
24 nologies, best practices, and other areas that could
25 improve the aviation safety regulatory system; and

1 (5) recommendations on the best and most cost-
2 effective approaches to address the needs of the cur-
3 rent and future projected aviation safety regulatory
4 system, including qualifications, training programs,
5 and performance incentives for relevant agency per-
6 sonnel.

7 (c) REPORT.—Not later than 270 days after the date
8 of enactment of this Act, the Comptroller General shall
9 submit to the appropriate committees of Congress a report
10 on the results of the study required under subsection (a).

11 **PART V—INTERNATIONAL AVIATION**

12 **SEC. 2251. PROMOTION OF UNITED STATES AEROSPACE**
13 **STANDARDS, PRODUCTS, AND SERVICES**
14 **ABROAD.**

15 Section 40104 is amended by adding at the end the
16 following:

17 “(d) PROMOTION OF UNITED STATES AEROSPACE
18 STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The
19 Secretary shall take appropriate actions—

20 “(1) to promote United States aerospace-re-
21 lated safety standards abroad;

22 “(2) to facilitate and vigorously defend approv-
23 als of United States aerospace products and services
24 abroad;

1 “(3) with respect to bilateral partners, to use
2 bilateral safety agreements and other mechanisms to
3 improve validation of United States type certificated
4 aeronautical products and services and enhance mu-
5 tual acceptance in order to eliminate redundancies
6 and unnecessary costs; and

7 “(4) with respect to the aeronautical safety au-
8 thorities of a foreign country, to streamline that
9 country’s validation of United States aerospace
10 standards, products, and services.”.

11 **SEC. 2252. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
12 **RESPONSIBILITIES.**

13 Section 44701(e) is amended by adding at the end
14 the following:

15 “(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

16 “(A) ACCEPTANCE.—The Administrator
17 shall accept an airworthiness directive (as de-
18 fined in section 39.3 of title 14, Code of Fed-
19 eral Regulations) issued by an aeronautical
20 safety authority of a foreign country, and lever-
21 age that aeronautical safety authority’s regu-
22 latory process, if—

23 “(i) the country is the state of design
24 for the product that is the subject of the
25 airworthiness directive;

1 “(ii) the United States has a bilateral
2 safety agreement relating to aircraft cer-
3 tification with the country;

4 “(iii) as part of the bilateral safety
5 agreement with the country, the Adminis-
6 trator has determined that the aero-
7 nautical safety authority has an aircraft
8 certification system relating to safety that
9 produces a level of safety equivalent to the
10 level produced by the system of the Fed-
11 eral Aviation Administration; and

12 “(iv) the aeronautical safety authority
13 utilizes an open and transparent public no-
14 tice and comment process in the issuance
15 of airworthiness directives.

16 “(B) ALTERNATIVE APPROVAL PROCESS.—
17 Notwithstanding subparagraph (A), the Admin-
18 istrator may issue a Federal Aviation Adminis-
19 tration airworthiness directive instead of accept-
20 ing the airworthiness directive issued by the
21 aeronautical safety authority of a foreign coun-
22 try if the Administrator determines that such
23 issuance is necessary for safety or operational
24 reasons due to the complexity or unique fea-
25 tures of the Federal Aviation Administration

1 airworthiness directive or the United States
2 aviation system.

3 “(C) ALTERNATIVE MEANS OF COMPLI-
4 ANCE.—The Administrator may—

5 “(i) accept an alternative means of
6 compliance, with respect to an airworthi-
7 ness directive under subparagraph (A),
8 that was approved by the aeronautical
9 safety authority of the foreign country that
10 issued the airworthiness directive; or

11 “(ii) notwithstanding subparagraph
12 (A), and at the request of any person af-
13 fected by an airworthiness directive under
14 that subparagraph, the Administrator may
15 approve an alternative means of compli-
16 ance with respect to the airworthiness di-
17 rective.”.

18 **SEC. 2253. FAA LEADERSHIP ABROAD.**

19 (a) IN GENERAL.—To promote United States aero-
20 space safety standards, reduce redundant regulatory activ-
21 ity, and facilitate acceptance of FAA design and produc-
22 tion approvals abroad, the Administrator shall—

23 (1) attain greater expertise in issues related to
24 dispute resolution, intellectual property, and export

1 control laws to better support FAA certification and
2 other aerospace regulatory activities abroad;

3 (2) work with United States companies to more
4 accurately track the amount of time it takes foreign
5 authorities, including bilateral partners, to validate
6 United States type certificated aeronautical prod-
7 ucts;

8 (3) provide assistance to United States compa-
9 nies who have experienced significantly long foreign
10 validation wait times;

11 (4) work with foreign authorities, including bi-
12 lateral partners, to collect and analyze data to deter-
13 mine the timeliness of the acceptance and validation
14 of FAA design and production approvals by foreign
15 authorities and the acceptance and validation of for-
16 eign-certified products by the FAA;

17 (5) establish appropriate benchmarks and
18 metrics to measure the success of bilateral aviation
19 safety agreements and to reduce the validation time
20 for United States type certificated aeronautical
21 products abroad; and

22 (6) work with foreign authorities, including bi-
23 lateral partners, to improve the timeliness of the ac-
24 ceptance and validation of FAA design and produc-
25 tion approvals by foreign authorities and the accept-

1 ance and validation of foreign-certified products by
2 the FAA.

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Administrator shall submit
5 to the appropriate committees of Congress a report that—

6 (1) describes the Administrator’s strategic plan
7 for international engagement;

8 (2) describes the structure and responsibilities
9 of all FAA offices that have international respon-
10 sibilities, including the Aircraft Certification Office,
11 and all the activities conducted by those offices re-
12 lated to certification and production;

13 (3) describes current and forecasted staffing
14 and travel needs for the FAA’s international engage-
15 ment activities, including the needs of the Aircraft
16 Certification Office in the current and forecasted
17 budgetary environment;

18 (4) provides recommendations, if appropriate,
19 to improve the existing structure and personnel and
20 travel policies supporting the FAA’s international
21 engagement activities, including the activities of the
22 Aviation Certification Office, to better support the
23 growth of United States aerospace exports; and

24 (5) identifies regulatory initiatives or cost-effec-
25 tive legislative initiatives needed to improve and en-

1 hance the timely acceptance of United States aero-
2 space products abroad.

3 (c) INTERNATIONAL TRAVEL.—The Administrator of
4 the FAA, or the Administrator’s designee, may authorize
5 international travel for any FAA employee, without the
6 approval of any other person or entity, if the Adminis-
7 trator determines that the travel is necessary—

8 (1) to promote United States aerospace safety
9 standards; or

10 (2) to support expedited acceptance of FAA de-
11 sign and production approvals.

12 **SEC. 2254. REGISTRATION, CERTIFICATION, AND RELATED**
13 **FEES.**

14 Section 45305 is amended—

15 (1) in subsection (a) by striking “Subject to
16 subsection (b)” and inserting “Subject to subsection
17 (c)”;

18 (2) by redesignating subsections (b) and (c) as
19 subsection (c) and (d), respectively; and

20 (3) by inserting after subsection (a) the fol-
21 lowing:

22 “(b) CERTIFICATION SERVICES.—Subject to sub-
23 section (c), and notwithstanding section 45301(a), the Ad-
24 ministrators may establish and collect a fee from a foreign

1 government or entity for services related to certification,
2 regardless of where the services are provided, if the fee—

3 “(1) is established and collected in a manner
4 consistent with aviation safety agreements; and

5 “(2) does not exceed the estimated costs of the
6 services.”.

7 **Subtitle C—Airline Passenger** 8 **Safety and Protections**

9 **SEC. 2301. PILOT RECORDS DATABASE DEADLINE.**

10 Section 44703(i)(2) is amended by striking “The Ad-
11 ministrator shall establish” and inserting “Not later than
12 April 30, 2017, the Administrator shall establish and
13 make available for use”.

14 **SEC. 2302. ACCESS TO AIR CARRIER FLIGHT DECKS.**

15 The Administrator of the Federal Aviation Adminis-
16 tration shall collaborate with other aviation authorities to
17 advance of a global standard for access to air carrier flight
18 decks and redundancy requirements consistent with the
19 flight deck access and redundancy requirements in the
20 United States.

21 **SEC. 2303. AIRCRAFT TRACKING AND FLIGHT DATA.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Administrator of the
24 Federal Aviation Administration shall assess current per-
25 formance standards, and as appropriate, conduct a rule-

1 making to revise the standards to improve near-term and
2 long-term aircraft tracking and flight data recovery, in-
3 cluding retrieval, access, and protection of such data after
4 an incident or accident.

5 (b) CONSIDERATIONS.—In revising the performance
6 standards under subsection (a) the Administrator may
7 consider—

8 (1) various methods for improving detection
9 and retrieval of flight data, including—

10 (A) low frequency underwater locating de-
11 vices; and

12 (B) extended battery life for underwater
13 locating devices;

14 (2) automatic deployable flight recorders;

15 (3) triggered transmission of flight data, and
16 other satellite-based solutions;

17 (4) distress-mode tracking; and

18 (5) protections against disabling flight recorder
19 systems.

20 (c) COORDINATION.—In revising the performance
21 standards under subsection (a), the Administrator shall
22 coordinate with international regulatory authorities and
23 the International Civil Aviation Organization to ensure
24 that any new international standard for aircraft tracking
25 and flight data recovery is consistent with a performance-

1 based approach and is implemented in a globally har-
2 monized manner.

3 **SEC. 2304. AUTOMATION RELIANCE IMPROVEMENTS.**

4 (a) MODERNIZATION OF TRAINING.—Not later than
5 October 1, 2017, the Administrator of the Federal Avia-
6 tion Administration shall review, and update as necessary,
7 recent guidance regarding pilot flight deck monitoring
8 that an air carrier can use to train and evaluate its pilots
9 to ensure that air carrier pilots are trained to use and
10 monitor automation systems while also maintaining pro-
11 ficiency in manual flight operations consistent with the
12 final rule entitled, “Qualification, Service, and Use of
13 Crewmembers and Aircraft Dispatchers”, published on
14 November 12, 2013 (78 Fed. Reg. 67799).

15 (b) CONSIDERATIONS.—In reviewing and updating
16 the guidance, the Administrator shall—

17 (1) consider casualty driven scenarios during
18 initial and recurrent simulator instruction that focus
19 on automation complacency during system failure,
20 including flight segments when automation is typi-
21 cally engaged and should result in hand flying the
22 aircraft into a safe position while employing crew re-
23 source management principles;

24 (2) consider the development of metrics or
25 measurable tasks an air carrier may use to evaluate

1 the ability of pilots to appropriately monitor flight
2 deck systems;

3 (3) consider the development of metrics an air
4 carrier may use to evaluate manual flying skills and
5 improve related training;

6 (4) convene an expert panel, including members
7 with expertise in human factors, training, and flight
8 operations—

9 (A) to evaluate and develop methods for
10 training flight crews to understand the
11 functionality of automated systems for flight
12 path management;

13 (B) to identify and recommend to the Ad-
14 ministrators the most effective training methods
15 that ensure that pilots can apply manual flying
16 skills in the event of flight deck automation fail-
17 ure or an unexpected event; and

18 (C) to identify and recommend to the Ad-
19 ministrators revision in the training guidance for
20 flight crews to address the needs identified in
21 subparagraphs (A) and (B); and

22 (5) develop any additional standards to be used
23 for guidance the Administrator considers necessary
24 to determine whether air carrier pilots receive suffi-

1 cient training opportunities to develop, maintain,
2 and demonstrate manual flying skills.

3 (c) DOT IG REVIEW.—Not later than 2 years after
4 the date the Administrator reviews the guidance under
5 subsection (a), the Inspector General of the Department
6 of Transportation shall review the air carriers implemen-
7 tation of the guidance and the ongoing work of the expert
8 panel.

9 **SEC. 2305. ENHANCED MENTAL HEALTH SCREENING FOR**
10 **PILOTS.**

11 Not later than 180 days after the date of enactment
12 of this Act, the Administrator of the Federal Aviation Ad-
13 ministration shall consider the recommendations of the
14 Pilot Fitness Aviation Rulemaking Committee in deter-
15 mining whether to implement, as part of a comprehensive
16 medical certification process for pilots with a first- or sec-
17 ond-class airman medical certificate, additional screening
18 for mental health conditions, including depression and sui-
19 cidal thoughts or tendencies, and access treatment that
20 would address any risk associated with such conditions.

21 **SEC. 2306. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**
22 **AND REST REQUIREMENTS.**

23 (a) MODIFICATION OF FINAL RULE.—Not later than
24 1 year after the date of enactment of this Act, the Admin-
25 istrator of the Federal Aviation Administration shall re-

1 vise the flight attendant duty period limitations and rest
2 requirements under section 121.467 of title 14, Code of
3 Federal Regulations.

4 (b) CONTENTS.—Except as provided in subsection
5 (b), in revising the rule under subsection (a), the Adminis-
6 trator shall ensure that a flight attendant scheduled to
7 a duty period of 14 hours or less is given a scheduled rest
8 period of at least 10 consecutive hours.

9 (c) EXCEPTION.—The rest period required under
10 subsection (b) may be scheduled or reduced to 9 consecu-
11 tive hours if the flight attendant is provided a subsequent
12 rest period of at least 11 consecutive hours.

13 **SEC. 2307. TRAINING FLIGHT ATTENDANTS TO IDENTIFY**
14 **HUMAN TRAFFICKING.**

15 Section 44734(a) is amended—

16 (1) in paragraph (2) by striking “and” at the
17 end;

18 (2) in paragraph (3) by striking the period at
19 the end and inserting “; and”; and

20 (3) by adding at the end the following:

21 “(4) identifying and timely alerting of appro-
22 priate government personnel or a law enforcement
23 officer and filing a report of a potential victim or in-
24 cidence of human trafficking.”.

1 **SEC. 2308. REPORT ON OBSOLETE TEST EQUIPMENT.**

2 (a) REPORT.—Not later than 180 days after the date
3 of enactment of this Act, the Administrator of the Federal
4 Aviation Administration shall submit to the appropriate
5 committees of Congress a report on the National Test
6 Equipment Program (referred to in this section as the
7 “Program”).

8 (b) CONTENTS.—The report shall include—

9 (1) a list of all known outstanding requests for
10 test equipment, cataloged by type and location,
11 under the Program;

12 (2) a description of the current method under
13 the Program of ensuring calibrated equipment is in
14 place for utilization;

15 (3) a plan by the Administrator for appropriate
16 inventory of such equipment; and

17 (4) the Administrator’s recommendations for
18 increasing multi-functionality in future test equip-
19 ment to be developed and all known and foreseeable
20 manufacturer technological advances.

21 **SEC. 2309. PLAN FOR SYSTEMS TO PROVIDE DIRECT WARN-**
22 **INGS OF POTENTIAL RUNWAY INCURSIONS.**

23 (a) IN GENERAL.—Not later than June 30, 2016, the
24 Administrator of the Federal Aviation Administration
25 shall—

1 (1) assess available technologies to determine
2 whether it is feasible, cost-effective, and appropriate
3 to install and deploy, at any airport, systems to pro-
4 vide a direct warning capability to flight crews and
5 air traffic controllers of potential runway incursions;
6 and

7 (2) submit to the appropriate committees of
8 Congress a report on the assessment under para-
9 graph (1), including any recommendations.

10 (b) **CONSIDERATIONS.**—In conducting the assess-
11 ment under subsection (a), the Administration shall con-
12 sider National Transportation Safety Board findings and
13 relevant aviation stakeholder views relating to runway in-
14 cursions.

15 **SEC. 2310. LASER POINTER INCIDENTS.**

16 (a) **IN GENERAL.**—Beginning 90 days after the date
17 of enactment of this Act, the Administrator of the Federal
18 Aviation Administration, in coordination with the Director
19 of the Federal Bureau of Investigation, shall provide quar-
20 terly updates to the appropriate committees of Congress
21 regarding—

22 (1) the number of incidents involving the beam
23 from a laser pointer (as defined in section 39A of
24 title 18, United States Code) being aimed at, or in

1 the flight path of, an aircraft in the airspace juris-
2 diction of the United States;

3 (2) the number of civil or criminal enforcement
4 actions taken by the Federal Aviation Administra-
5 tion, Department of Transportation, or Department
6 of Justice with regard to the incidents described in
7 paragraph (1), including the amount of the civil or
8 criminal penalties imposed on violators;

9 (3) the resolution of any incidents that did not
10 result in a civil or criminal enforcement action; and

11 (4) any actions the Department of Transpor-
12 tation or Department of Justice has taken on its
13 own, or in conjunction with other Federal agencies
14 or local law enforcement agencies, to deter the type
15 of activity described in paragraph (1).

16 (b) CIVIL PENALTIES.—The Administrator shall re-
17 vise the maximum civil penalty that may be imposed on
18 an individual who aims the beam of a laser pointer at an
19 aircraft in the airspace jurisdiction of the United States,
20 or at the flight path of such an aircraft, to be \$25,000.

21 **SEC. 2311. HELICOPTER AIR AMBULANCE OPERATIONS**

22 **DATA AND REPORTS.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Administrator of the
25 Federal Aviation Administration, in collaboration with hel-

1 helicopter air ambulance industry stakeholders, shall assess
2 the availability of information to the general public related
3 to the location of heliports and helipads used by heli-
4 copters providing air ambulance services, including
5 helipads and helipads outside of those listed as part of
6 any existing databases of Airport Master Record (5010)
7 forms.

8 (b) REQUIREMENTS.—Based on the assessment
9 under subsection (a), the Administrator shall—

10 (1) update, as necessary, any existing guidance
11 on what information is included in the current data-
12 bases of Airport Master Record (5010) forms to in-
13 clude information related to heliports and helipads
14 used by helicopters providing air ambulance services;
15 or

16 (2) develop, as appropriate and in collaboration
17 with helicopter air ambulance industry stakeholders,
18 a new database of heliports and helipads used by
19 helicopters providing air ambulance services.

20 (c) REPORTS.—

21 (1) ASSESSMENT.—Not later than 30 days
22 after the date the assessment under subsection (a)
23 is complete, the Administrator shall submit to the
24 appropriate committees of Congress a report on the
25 assessment, including any recommendations on how

1 to make information related to the location of heli-
2 ports and helipads used by helicopters providing air
3 ambulance services available to the general public.

4 (2) IMPLEMENTATION.—Not later than 30 days
5 after completing action under paragraph (1) or
6 paragraph (2) of subsection (b), the Administrator
7 shall submit to the appropriate committees of Con-
8 gress a report on the implementation of that action.

9 (d) INCIDENT AND ACCIDENT DATA.—Section 44731
10 is amended—

11 (1) in subsection (a)—

12 (A) in the matter preceding paragraph (1),
13 by striking “not later than 1 year after the date
14 of enactment of this section, and annually
15 thereafter” and inserting “annually”;

16 (B) in paragraph (2), by striking “flights
17 and hours flown, by registration number, dur-
18 ing which helicopters operated by the certificate
19 holder were providing helicopter air ambulance
20 services” and inserting “hours flown by the heli-
21 copters operated by the certificate holder”;

22 (C) in paragraph (3)—

23 (i) by striking “of flight” and insert-
24 ing “of patients transported and the num-
25 ber of patient transport”;

1 (ii) by inserting “or” after “inter-
2 facility transport,”; and

3 (iii) by striking “, or ferry or repo-
4 sitioning flight”;

5 (D) in paragraph (5)—

6 (i) by striking “flights and”; and

7 (ii) by striking “while providing air
8 ambulance services”; and

9 (E) by amending paragraph (6) to read as
10 follows:

11 “(6) The number of hours flown at night by
12 helicopters operated by the certificate holder.”;

13 (2) in subsection (d)—

14 (A) by striking “Not later than 2 years
15 after the date of enactment of this section, and
16 annually thereafter, the Administrator shall
17 submit” and inserting “The Administrator shall
18 submit annually”; and

19 (B) by adding at the end the following:

20 “The report shall include the number of acci-
21 dents experienced by helicopter air ambulance
22 operations, the number of fatal accidents expe-
23 rienced by helicopter air ambulance operations,
24 and the rate, per 100,000 flight hours, of acci-
25 dents and fatal accidents experienced by opera-

1 tors providing helicopter air ambulance serv-
2 ices.”;

3 (3) by redesignating subsection (e) as sub-
4 section (f); and

5 (4) by inserting after subsection (d) the fol-
6 lowing:

7 “(e) IMPLEMENTATION.—In carrying out this sec-
8 tion, the Administrator, in collaboration with part 135 cer-
9 tificate holders providing helicopter air ambulance serv-
10 ices, shall—

11 “(1) propose and develop a method to collect
12 and store the data submitted under subsection (a),
13 including a method to protect the confidentiality of
14 any trade secret or proprietary information sub-
15 mitted; and

16 “(2) ensure that the database under subsection
17 (c) and the report under subsection (d) include data
18 and analysis that will best inform efforts to improve
19 the safety of helicopter air ambulance operations.”.

20 **SEC. 2312. PART 135 ACCIDENT AND INCIDENT DATA.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Administrator of the Federal Aviation Ad-
23 ministration shall—

24 (1) determine, in collaboration with the Na-
25 tional Transportation Safety Board and Part 135

1 industry stakeholders, what, if any, additional data
2 should be reported as part of an accident or incident
3 notice to more accurately measure the safety of on-
4 demand Part 135 aircraft activity, to pinpoint safety
5 problems, and to form the basis for critical research
6 and analysis of general aviation issues; and

7 (2) submit to the appropriate committees of
8 Congress a report on the findings under paragraph
9 (1), including a description of the additional data to
10 be collected, a timeframe for implementing the addi-
11 tional data collection, and any potential obstacles to
12 implementation.

13 **SEC. 2313. DEFINITION OF HUMAN FACTORS.**

14 Section 40102(a) is amended—

15 (1) by redesignating paragraphs (24) through
16 (47) as paragraphs (25) through (48), respectively;
17 and

18 (2) by inserting after paragraph (23) the fol-
19 lowing:

20 “(24) ‘human factors’ means a multidisciplinary
21 field that generates and compiles information about
22 human capabilities and limitations and applies it to
23 design, development, and evaluation of equipment,
24 systems, facilities, procedures, jobs, environments,
25 staffing, organizations, and personnel management

1 for safe, efficient, and effective human performance,
2 including people’s use of technology.”.

3 **SEC. 2314. SENSE OF CONGRESS; PILOT IN COMMAND AU-**
4 **THORITY.**

5 It is the sense of Congress that the pilot in command
6 of an aircraft is directly responsible for, and is the final
7 authority as to, the operation of that aircraft, as set forth
8 in section 91.3(a) of title 14, Code of Federal Regulations
9 (or any successor regulation thereto).

10 **SEC. 2315. ENHANCING ASIAs.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, the Administrator of the
13 Federal Aviation Administration, in consultation with rel-
14 evant aviation industry stakeholders, shall assess what, if
15 any, improvements are needed to develop the predictive
16 capability of the Aviation Safety Information Analysis and
17 Sharing program (referred to in this section as “ASIAs”)
18 with regard to identifying precursors to accidents.

19 (b) CONTENTS.—In conducting the assessment under
20 subsection (a), the Administrator shall—

21 (1) determine what actions are necessary—

22 (A) to improve data quality and standard-
23 ization; and

24 (B) to increase the data received from ad-
25 ditional segments of the aviation industry, such

1 as small airplane, helicopter, and business jet
2 operations;

3 (2) consider how to prioritize the actions de-
4 scribed in paragraph (1); and

5 (3) review available methods for disseminating
6 safety trend data from ASLAS to the aviation safety
7 community, including the inspector workforce, to in-
8 form in their risk-based decisionmaking efforts.

9 (c) REPORT.—Not later than 60 days after the date
10 the assessment under subsection (a) is complete, the Ad-
11 ministrator shall submit to the appropriate committees of
12 Congress a report on the assessment, including rec-
13 ommendations regarding paragraphs (1) through (3) of
14 subsection (b).

15 **SEC. 2316. IMPROVING RUNWAY SAFETY.**

16 (a) IN GENERAL.—The Administrator of the Federal
17 Aviation Administration shall expedite the development of
18 metrics—

19 (1) to allow the Federal Aviation Administra-
20 tion to determine whether runway incursions are in-
21 creasing; and

22 (2) to assess the effectiveness of implemented
23 runway safety initiatives.

24 (b) REPORT.—Not later than 1 year after the date
25 of enactment of this Act, the Administrator shall submit

1 to the appropriate committees of Congress a report on the
2 progress in developing the metrics described in subsection
3 (a).

4 **SEC. 2317. SAFE AIR TRANSPORTATION OF LITHIUM CELLS**
5 **AND BATTERIES.**

6 (a) RESTRICTIONS ON TRANSPORTATION OF LITHIUM BATTERIES ON PASSENGER AIRCRAFT.—Pursuant to
7 section 828 of the FAA Modernization and Reform Act
8 of 2012 (49 U.S.C. 44701 note)—

10 (1) not later than 90 days after the date of en-
11 actment of this Act, the Administrator of the Fed-
12 eral Aviation Administration shall update applicable
13 regulations to implement the revised standards
14 adopted by the International Civil Aviation Organi-
15 zation (ICAO) on February 22, 2016, regarding—

16 (A) prohibiting the bulk air transportation
17 of lithium ion batteries on passenger aircraft;
18 and

19 (B) prohibiting bulk air transport cargo
20 shipment of lithium batteries with an internal
21 charge above 30 percent; and

22 (2) the Secretary of Transportation may initiate
23 a review of existing regulations under parts 171–181
24 of title 49, Code of Federal Regulations, and any ap-
25 plicable regulations under title 14, Code of Federal

1 Regulations, regarding the air transportation, in-
2 cluding passenger-carrying and cargo aircraft, of
3 lithium batteries and cells.

4 (3) SAVINGS CLAUSE.—Nothing in this section
5 shall be construed as expanding or constricting any
6 other authority the Secretary of Transportation has
7 under section 828 of the FAA Modernization and
8 Reform Act of 2012 (49 U.S.C. 44701 note) to pro-
9 mulgate additional emergency or permanent regula-
10 tions as permitted by subsection (b) of that section.

11 (b) LITHIUM BATTERY SAFETY WORKING GROUP.—
12 Not later than 90 days after the date of enactment of this
13 Act, the President shall establish a lithium battery safety
14 working group to promote and coordinate efforts related
15 to the promotion of the safe manufacture, use, and trans-
16 portation of lithium batteries and cells.

17 (1) COMPOSITION.—

18 (A) IN GENERAL.—The working group
19 shall be composed of at least 1 representative
20 from each of the following:

21 (i) Consumer Product Safety Commis-
22 sion.

23 (ii) Department of Transportation.

24 (iii) National Institute on Standards
25 and Technology.

1 (B) ADDITIONAL MEMBERS.—The working
2 group may include not more than 4 additional
3 members with expertise in the safe manufac-
4 ture, use, or transportation of lithium batteries
5 and cells.

6 (C) SUBCOMMITTEES.—The President, or
7 members of the working group, may—

8 (i) establish working group sub-
9 committees to focus on specific issues re-
10 lated to the safe manufacture, use, or
11 transportation of lithium batteries and
12 cells; and

13 (ii) include in a subcommittee the par-
14 ticipation of non-member stakeholders with
15 expertise in areas that the President or
16 members consider necessary.

17 (2) REPORT.—Not later than 1 year after the
18 date it is established under subsection (b), the work-
19 ing group shall—

20 (A) research—

21 (i) additional ways to decrease the
22 risk of fires and explosions from lithium
23 batteries and cells;

1 (ii) additional ways to ensure uniform
2 transportation requirements for both bulk
3 and individual batteries; and

4 (iii) new or existing technologies that
5 could reduce the fire and explosion risk of
6 lithium batteries and cells; and

7 (B) transmit to the appropriate commit-
8 tees of Congress a report on the research under
9 subparagraph (A), including any legislative rec-
10 ommendations to effectuate the safety improve-
11 ments described in clauses (i) through (iii) of
12 that subparagraph.

13 (3) EXEMPTION FROM FACa.—The Federal Ad-
14 visory Committee Act (5 U.S.C. App.) shall not
15 apply to the working group.

16 (4) TERMINATION.—The working group, and
17 any working group subcommittees, shall terminate
18 90 days after the date the report is transmitted
19 under paragraph (2).

1 **Subtitle D—General Aviation**
2 **Safety**

3 **SEC. 2401. AUTOMATED WEATHER OBSERVING SYSTEMS**
4 **POLICY.**

5 (a) IN GENERAL.—Not later than 2 years after the
6 date of enactment of this Act, the Administrator of the
7 Federal Aviation Administration shall—

8 (1) update automated weather observing sys-
9 tems standards to maximize the use of new tech-
10 nologies that promote the reduction of equipment or
11 maintenance cost for non-Federal automated weath-
12 er observing systems, including the use of remote
13 monitoring and maintenance, unless demonstrated to
14 be ineffective;

15 (2) review, and if necessary update, existing
16 policies in accordance with the standards developed
17 under paragraph (1); and

18 (3) establish a process under which appropriate
19 on site airport personnel or an aviation official may,
20 with appropriate manufacturer training or alter-
21 native training as determined by the Administrator,
22 be permitted to conduct the minimum tri-annual
23 preventative maintenance checks under the advisory
24 circular for non-Federal automated weather observ-
25 ing systems (AC 150/5220–16D).

1 (b) PERMISSION.—Permission to conduct the min-
2 imum tri-annual preventative maintenance checks de-
3 scribed under subsection (a)(3) shall not be withheld but
4 for specific cause.

5 (c) STANDARDS.—In updating the standards under
6 subsection (a)(1), the Administrator shall—

7 (1) ensure the standards are performance-
8 based;

9 (2) use risk analysis to determine the accuracy
10 of the automated weather observing systems outputs
11 required for pilots to perform safe aircraft oper-
12 ations; and

13 (3) provide a cost benefit analysis to determine
14 whether the benefits outweigh the cost for any re-
15 quirement not directly related to safety.

16 (d) REPORT.—Not later than September 30, 2017,
17 the Administrator shall provide a report to the appropriate
18 committees of Congress on the implementation of require-
19 ments under this section.

20 **SEC. 2402. TOWER MARKING.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this Act, the Administrator of the
23 Federal Aviation Administration shall issue regulations to
24 require the marking of covered towers.

1 (b) MARKING REQUIRED.—The regulations under
2 subsection (a) shall require that a covered tower be clearly
3 marked in a manner that is consistent with applicable
4 guidance under the Federal Aviation Administration Advi-
5 sory Circular issued December 4, 2015 (AC 70/7460–1L),
6 or other relevant safety guidance, as determined by the
7 Administrator.

8 (c) APPLICATION.—The regulations issued under
9 subsection (a) shall ensure that—

10 (1) all covered towers constructed on or after
11 the date on which such regulations take effect are
12 marked in accordance with subsection (b); and

13 (2) a covered tower constructed before the date
14 on which such regulations take effect is marked in
15 accordance with subsection (b) not later than 6
16 months after such effective date.

17 (d) DEFINITION OF COVERED TOWER.—

18 (1) IN GENERAL.—In this section, the term
19 “covered tower” means a structure that—

20 (A) is self-standing or supported by guy
21 wires and ground anchors;

22 (B) is 6 feet or less in diameter at the
23 above-ground base, excluding concrete footing;

24 (C) at the highest point of the structure is
25 at least 50 feet above ground level;

1 (D) at the highest point of the structure is
2 not more than 200 feet above ground level;

3 (E) has accessory facilities on which an an-
4 tenna, sensor, camera, meteorological instru-
5 ment, or other equipment is mounted; and

6 (F) is located—

7 (i) outside the boundaries of an incor-
8 porated city or town; or

9 (ii) on land that is—

10 (I) undeveloped; or

11 (II) used for agricultural pur-
12 poses.

13 (2) EXCLUSIONS.—The term “covered tower”
14 does not include any structure that—

15 (A) is adjacent to a house, barn, electric
16 utility station, or other building;

17 (B) is within the curtilage of a farmstead;

18 (C) supports electric utility transmission or
19 distribution lines;

20 (D) is a wind powered electrical generator
21 with a rotor blade radius that exceeds 6 feet; or

22 (E) is a street light erected or maintained
23 by a Federal, State, local, or tribal entity.

24 (e) DATABASE.—The Administrator shall—

1 (1) develop a publicly available database that
2 contains the location and height of each covered
3 tower;

4 (2) keep the database current to the extent
5 practicable; and

6 (3) ensure that any proprietary information in
7 the database is protected from disclosure in accord-
8 ance with law.

9 **SEC. 2403. CRASH-RESISTANT FUEL SYSTEMS.**

10 Not later than 1 year after the date of enactment
11 of this Act, the Administrator of the Federal Aviation Ad-
12 ministration shall evaluate and update, as necessary,
13 standards for crash-resistant fuel systems for civilian
14 rotorcraft.

15 **Subtitle E—General Provisions**

16 **SEC. 2501. DESIGNATED AGENCY SAFETY AND HEALTH OF-**
17 **FICER.**

18 (a) IN GENERAL.—Section 106 is amended by adding
19 at the end the following:

20 “(u) DESIGNATED AGENCY SAFETY AND HEALTH
21 OFFICER.—

22 “(1) APPOINTMENT.—There shall be a Des-
23 ignated Agency Safety and Health Officer appointed
24 by the Administrator who shall exclusively fulfill the
25 duties prescribed in this subsection.

1 “(2) RESPONSIBILITIES.—The Designated
2 Agency Safety and Health Officer shall have respon-
3 sibility and accountability for—

4 “(A) auditing occupational safety and
5 health issues across the Administration;

6 “(B) overseeing Administration-wide com-
7 pliance with relevant Federal occupational safe-
8 ty and health statutes and regulations, national
9 industry and consensus standards, and Admin-
10 istration policies; and

11 “(C) encouraging a culture of occupational
12 safety and health to complement the Adminis-
13 tration’s existing safety culture.

14 “(3) REPORTING STRUCTURE.—The Designated
15 Agency Safety and Health Officer shall occupy a
16 full-time, senior executive position and shall report
17 directly to the Assistant Administrator for Human
18 Resource Management.

19 “(4) QUALIFICATIONS AND REMOVAL.—

20 “(A) QUALIFICATIONS.—The Designated
21 Agency Safety and Health Officer shall have
22 demonstrated ability and experience in the es-
23 tablishment and administration of comprehen-
24 sive occupational safety and health programs
25 and knowledge of relevant Federal occupational

1 safety and health statutes and regulations, na-
2 tional industry and consensus standards, and
3 Administration policies.

4 “(B) REMOVAL.—The Designated Agency
5 Safety and Health Officer shall serve at the
6 pleasure of the Administrator.”.

7 (b) DEADLINE FOR APPOINTMENT.—Not later than
8 180 days after the date of enactment of this Act, the Ad-
9 ministrator of the Federal Aviation Administration shall
10 appoint an individual to serve as the Designated Agency
11 Safety and Health Officer under section 106(u) of title
12 49, United States Code.

13 **SEC. 2502. REPAIR STATIONS LOCATED OUTSIDE UNITED**
14 **STATES.**

15 (a) RISK-BASED OVERSIGHT.—Section 44733 is
16 amended—

17 (1) by redesignating subsection (f) as sub-
18 section (g);

19 (2) by inserting after subsection (e) the fol-
20 lowing:

21 “(f) RISK-BASED OVERSIGHT.—

22 “(1) IN GENERAL.—Not later than 90 days
23 after the date of enactment of the Federal Aviation
24 Administration Reauthorization Act of 2016, the
25 Administrator shall take measures to ensure that the

1 safety assessment system established under sub-
2 section (a)—

3 “(A) places particular consideration on in-
4 spections of part 145 repair stations located
5 outside the United States that conduct sched-
6 uled heavy maintenance work on part 121 air
7 carrier aircraft; and

8 “(B) accounts for the frequency and seri-
9 ousness of any corrective actions that part 121
10 air carriers must implement to aircraft fol-
11 lowing such work at such repair stations.

12 “(2) INTERNATIONAL AGREEMENTS.—The Ad-
13 ministrator shall take the measures required under
14 paragraph (1)—

15 “(A) in accordance with the United States
16 obligations under applicable international agree-
17 ments; and

18 “(B) in a manner consistent with the ap-
19 plicable laws of the country in which a repair
20 station is located.

21 “(3) ACCESS TO DATA.—The Administrator
22 may access and review such information or data in
23 the possession of a part 121 air carrier as the Ad-
24 ministrator may require in carrying out paragraph
25 (1)(B).”; and

1 (3) in subsection (g), as redesignated—

2 (A) by redesignating paragraphs (1) and
3 (2) as paragraphs (2) and (3), respectively; and

4 (B) by inserting before paragraph (2), as
5 redesignated, the following:

6 “(1) HEAVY MAINTENANCE WORK.—The term
7 ‘heavy maintenance work’ means a C-check, a D-
8 check, or equivalent maintenance operation with re-
9 spect to the airframe of a transport-category air-
10 craft.”.

11 (b) ALCOHOL AND CONTROLLED SUBSTANCES TEST-
12 ING.—The Administrator of the Federal Aviation Admin-
13 istration shall ensure that—

14 (1) not later than 90 days after the date of en-
15 actment of this Act, a notice of proposed rulemaking
16 required pursuant to section 44733(d)(2) of title 49,
17 United States Code, is published in the Federal Reg-
18 ister; and

19 (2) not later than 1 year after the date on
20 which the notice of proposed rulemaking is published
21 in the Federal Register, the rulemaking is finalized.

22 (c) BACKGROUND INVESTIGATIONS.—Not later than
23 180 days after the date of enactment of this Act, the Ad-
24 ministrator of the Federal Aviation Administration shall
25 ensure that each employee of a repair station certificated

1 under part 145 of title 14, Code of Federal Regulations,
2 who performs a safety-sensitive function on an air carrier
3 aircraft has undergone a pre-employment background in-
4 vestigation sufficient to determine whether the individual
5 presents a threat to aviation safety, in a manner that is—

6 (1) determined acceptable by the Administrator;

7 (2) consistent with the applicable laws of the
8 country in which the repair station is located; and

9 (3) consistent with the United States obliga-
10 tions under international agreements.

11 **SEC. 2503. FAA TECHNICAL TRAINING.**

12 (a) E-LEARNING TRAINING PILOT PROGRAM.—Not
13 later than 90 days after the date of enactment of this Act,
14 the Administrator of the Federal Aviation Administration,
15 in collaboration with the exclusive bargaining representa-
16 tives of covered FAA personnel, shall establish an e-learn-
17 ing training pilot program in accordance with the require-
18 ments of this section.

19 (b) CURRICULUM.—The pilot program shall—

20 (1) include a recurrent training curriculum for
21 covered FAA personnel to ensure that the covered
22 FAA personnel receive instruction on the latest avia-
23 tion technologies, processes, and procedures;

1 (2) focus on providing specialized technical
2 training for covered FAA personnel, as determined
3 necessary by the Administrator;

4 (3) include training courses on applicable regu-
5 lations of the Federal Aviation Administration; and

6 (4) consider the efficacy of instructor-led online
7 training.

8 (c) PILOT PROGRAM TERMINATION.—The pilot pro-
9 gram shall terminate 1 year after the date of establish-
10 ment of the pilot program.

11 (d) E-LEARNING TRAINING PROGRAM.—Upon termi-
12 nation of the pilot program, the Administrator shall assess
13 and establish or update an e-learning training program
14 that incorporates lessons learned for covered FAA per-
15 sonnel as a result of the pilot program.

16 (e) DEFINITIONS.—In this section:

17 (1) COVERED FAA PERSONNEL.—The term
18 “covered FAA personnel” means airway transpor-
19 tation systems specialists and aviation safety inspec-
20 tors of the Federal Aviation Administration.

21 (2) E-LEARNING TRAINING.—The term “e-
22 learning training” means learning utilizing electronic
23 technologies to access educational curriculum outside
24 of a traditional classroom.

1 **SEC. 2504. SAFETY CRITICAL STAFFING.**

2 (a) **AUDIT BY DOT INSPECTOR GENERAL.**—Not
3 later than 1 year after the date of enactment of this Act,
4 the Inspector General of the Department of Transpor-
5 tation shall conduct and complete an audit of the staffing
6 model used by the Federal Aviation Administration to de-
7 termine the number of aviation safety inspectors that are
8 needed to fulfill the mission of the Federal Aviation Ad-
9 ministration and adequately ensure aviation safety.

10 (b) **CONTENTS.**—The audit shall include, at a min-
11 imum—

12 (1) a review of the staffing model and an anal-
13 ysis of how consistently the staffing model is applied
14 throughout the Federal Aviation Administration’s
15 aviation safety lines of business;

16 (2) a review of the assumptions and methods
17 used in devising and implementing the staffing
18 model to assess the adequacy of the staffing model
19 to predict the number of aviation safety inspectors
20 needed to properly fulfill the mission of the Federal
21 Aviation Administration and meet the future growth
22 of the aviation industry; and

23 (3) a determination on whether the current
24 staffing model takes into account the Federal Avia-
25 tion Administration’s authority to fully utilize des-
26 ignees.

1 (c) REPORT.—Not later than 30 days after the date
2 of completion of the audit, the Inspector General shall
3 submit to the appropriate committees of Congress a report
4 on the results of the audit.

5 **Subtitle F—Third Class Medical**
6 **Reform and General Aviation**
7 **Pilot Protections**

8 **SEC. 2601. SHORT TITLE.**

9 This subtitle may be cited as the “Pilot’s Bill of
10 Rights 2”.

11 **SEC. 2602. MEDICAL CERTIFICATION OF CERTAIN SMALL**
12 **AIRCRAFT PILOTS.**

13 (a) IN GENERAL.—Not later than 180 days after the
14 date of enactment of this Act, the Administrator of the
15 Federal Aviation Administration shall issue or revise regu-
16 lations to ensure that an individual may operate as pilot
17 in command of a covered aircraft if—

18 (1) the individual possesses a valid driver’s li-
19 cense issued by a State, territory, or possession of
20 the United States and complies with all medical re-
21 quirements or restrictions associated with that li-
22 cense;

23 (2) the individual holds a medical certificate
24 issued by the Federal Aviation Administration on
25 the date of enactment of this Act, held such a cer-

1 tificate at any point during the 10-year period pre-
2 ceding such date of enactment, or obtains such a
3 certificate after such date of enactment;

4 (3) the most recent medical certificate issued by
5 the Federal Aviation Administration to the indi-
6 vidual—

7 (A) indicates whether the certificate is
8 first, second, or third class;

9 (B) may include authorization for special
10 issuance;

11 (C) may be expired;

12 (D) cannot have been revoked or sus-
13 pended; and

14 (E) cannot have been withdrawn;

15 (4) the most recent application for airman med-
16 ical certification submitted to the Federal Aviation
17 Administration by the individual cannot have been
18 completed and denied;

19 (5) the individual has completed a medical edu-
20 cation course described in subsection (c) during the
21 24 calendar months before acting as pilot in com-
22 mand of a covered aircraft and demonstrates proof
23 of completion of the course;

24 (6) the individual, when serving as a pilot in
25 command, is under the care and treatment of a phy-

1 sician if the individual has been diagnosed with any
2 medical condition that may impact the ability of the
3 individual to fly;

4 (7) the individual has received a comprehensive
5 medical examination from a State-licensed physician
6 during the previous 48 months and—

7 (A) prior to the examination, the indi-
8 vidual—

9 (i) completed the individual's section
10 of the checklist described in subsection (b);

11 and

12 (ii) provided the completed checklist
13 to the physician performing the examina-
14 tion; and

15 (B) the physician conducted the com-
16 prehensive medical examination in accordance
17 with the checklist described in subsection (b),
18 checking each item specified during the exam-
19 ination and addressing, as medically appro-
20 priate, every medical condition listed, and any
21 medications the individual is taking; and

22 (8) the individual is operating in accordance
23 with the following conditions:

24 (A) The covered aircraft is carrying not
25 more than 5 passengers.

1 (B) The individual is operating the covered
2 aircraft under visual flight rules or instrument
3 flight rules.

4 (C) The flight, including each portion of
5 that flight, is not carried out—

6 (i) for compensation or hire, including
7 that no passenger or property on the flight
8 is being carried for compensation or hire;

9 (ii) at an altitude that is more than
10 18,000 feet above mean sea level;

11 (iii) outside the United States, unless
12 authorized by the country in which the
13 flight is conducted; or

14 (iv) at an indicated air speed exceed-
15 ing 250 knots.

16 (b) COMPREHENSIVE MEDICAL EXAMINATION.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of enactment of this Act, the Adminis-
19 trator shall develop a checklist for an individual to
20 complete and provide to the physician performing
21 the comprehensive medical examination required in
22 subsection (a)(7).

23 (2) REQUIREMENTS.—The checklist shall con-
24 tain—

1 (A) a section, for the individual to com-
2 plete that contains—

3 (i) boxes 3 through 13 and boxes 16
4 through 19 of the Federal Aviation Admin-
5 istration Form 8500–8 (3–99); and

6 (ii) a signature line for the individual
7 to affirm that—

8 (I) the answers provided by the
9 individual on that checklist, including
10 the individual’s answers regarding
11 medical history, are true and com-
12 plete;

13 (II) the individual understands
14 that he or she is prohibited under
15 Federal Aviation Administration regu-
16 lations from acting as pilot in com-
17 mand, or any other capacity as a re-
18 quired flight crew member, if he or
19 she knows or has reason to know of
20 any medical deficiency or medically
21 disqualifying condition that would
22 make the individual unable to operate
23 the aircraft in a safe manner; and

24 (III) the individual is aware of
25 the regulations pertaining to the pro-

1 hibition on operations during medical
2 deficiency and has no medically dis-
3 qualifying conditions in accordance
4 with applicable law;

5 (B) a section with instructions for the indi-
6 vidual to provide the completed checklist to the
7 physician performing the comprehensive medical
8 examination required in subsection (a)(7); and

9 (C) a section, for the physician to com-
10 plete, that instructs the physician—

11 (i) to perform a clinical examination
12 of—

13 (I) head, face, neck, and scalp;

14 (II) nose, sinuses, mouth, and
15 throat;

16 (III) ears, general (internal and
17 external canals), and eardrums (per-
18 foration);

19 (IV) eyes (general),
20 ophthalmoscopic, pupils (equality and
21 reaction), and ocular motility (associ-
22 ated parallel movement, nystagmus);

23 (V) lungs and chest (not includ-
24 ing breast examination);

- 1 (VI) heart (precordial activity,
2 rhythm, sounds, and murmurs);
- 3 (VII) vascular system (pulse, am-
4 plitude, and character, and arms, legs,
5 and others);
- 6 (VIII) abdomen and viscera (in-
7 cluding hernia);
- 8 (IX) anus (not including digital
9 examination);
- 10 (X) skin;
- 11 (XI) G–U system (not including
12 pelvic examination);
- 13 (XII) upper and lower extrem-
14 ities (strength and range of motion);
- 15 (XIII) spine and other musculo-
16 skeletal;
- 17 (XIV) identifying body marks,
18 scars, and tattoos (size and location);
- 19 (XV) lymphatics;
- 20 (XVI) neurologic (tendon re-
21 flexes, equilibrium, senses, cranial
22 nerves, and coordination, etc.);
- 23 (XVII) psychiatric (appearance,
24 behavior, mood, communication, and
25 memory);

1 (XVIII) general systemic;

2 (XIX) hearing;

3 (XX) vision (distant, near, and
4 intermediate vision, field of vision,
5 color vision, and ocular alignment);

6 (XXI) blood pressure and pulse;

7 and

8 (XXII) anything else the physi-
9 cian, in his or her medical judgment,
10 considers necessary;

11 (ii) to exercise medical discretion to
12 address, as medically appropriate, any
13 medical conditions identified, and to exer-
14 cise medical discretion in determining
15 whether any medical tests are warranted
16 as part of the comprehensive medical ex-
17 amination;

18 (iii) to discuss all drugs the individual
19 reports taking (prescription and non-
20 prescription) and their potential to inter-
21 fere with the safe operation of an aircraft
22 or motor vehicle;

23 (iv) to sign the checklist, stating: "I
24 certify that I discussed all items on this
25 checklist with the individual during my ex-

1 amination, discussed any medications the
2 individual is taking that could interfere
3 with their ability to safely operate an air-
4 craft or motor vehicle, and performed an
5 examination that included all of the items
6 on this checklist. I certify that I am not
7 aware of any medical condition that, as
8 presently treated, could interfere with the
9 individual’s ability to safely operate an air-
10 craft.”; and

11 (v) to provide the date the comprehen-
12 sive medical examination was completed,
13 and the physician’s full name, address,
14 telephone number, and State medical li-
15 cense number.

16 (3) LOGBOOK.—The completed checklist shall
17 be retained in the individual’s logbook and made
18 available on request.

19 (c) MEDICAL EDUCATION COURSE REQUIRE-
20 MENTS.—The medical education course described in this
21 subsection shall—

22 (1) be available on the Internet free of charge;

23 (2) be developed and periodically updated in co-
24 ordination with representatives of relevant nonprofit

1 and not-for-profit general aviation stakeholder
2 groups;

3 (3) educate pilots on conducting medical self-as-
4 sessments;

5 (4) advise pilots on identifying warning signs of
6 potential serious medical conditions;

7 (5) identify risk mitigation strategies for med-
8 ical conditions;

9 (6) increase awareness of the impacts of poten-
10 tially impairing over-the-counter and prescription
11 drug medications;

12 (7) encourage regular medical examinations and
13 consultations with primary care physicians;

14 (8) inform pilots of the regulations pertaining
15 to the prohibition on operations during medical defi-
16 ciency and medically disqualifying conditions;

17 (9) provide the checklist developed by the Fed-
18 eral Aviation Administration in accordance with sub-
19 section (b); and

20 (10) upon successful completion of the course,
21 electronically provide to the individual and transmit
22 to the Federal Aviation Administration—

23 (A) a certification of completion of the
24 medical education course, which shall be printed
25 and retained in the individual's logbook and

1 made available upon request, and shall contain
2 the individual's name, address, and airman cer-
3 tificate number;

4 (B) subject to subsection (d), a release au-
5 thORIZING the National Driver Register through
6 a designated State Department of Motor Vehi-
7 cles to furnish to the Federal Aviation Adminis-
8 tration information pertaining to the individ-
9 ual's driving record;

10 (C) a certification by the individual that
11 the individual is under the care and treatment
12 of a physician if the individual has been diag-
13 nosed with any medical condition that may im-
14 pact the ability of the individual to fly, as re-
15 quired under subsection (a)(6);

16 (D) a form that includes—

17 (i) the name, address, telephone num-
18 ber, and airman certificate number of the
19 individual;

20 (ii) the name, address, telephone num-
21 ber, and State medical license number of
22 the physician performing the comprehen-
23 sive medical examination required in sub-
24 section (a)(7);

1 (iii) the date of the comprehensive
2 medical examination required in subsection
3 (a)(7); and

4 (iv) a certification by the individual
5 that the checklist described in subsection
6 (b) was followed and signed by the physi-
7 cian in the comprehensive medical exam-
8 ination required in subsection (a)(7); and

9 (E) a statement, which shall be printed,
10 and signed by the individual certifying that the
11 individual understands the existing prohibition
12 on operations during medical deficiency by stat-
13 ing: “I understand that I cannot act as pilot in
14 command, or any other capacity as a required
15 flight crew member, if I know or have reason to
16 know of any medical condition that would make
17 me unable to operate the aircraft in a safe
18 manner.”.

19 (d) NATIONAL DRIVER REGISTER.—The authoriza-
20 tion under subsection (c)(10)(B) shall be an authorization
21 for a single access to the information contained in the Na-
22 tional Driver Register.

23 (e) SPECIAL ISSUANCE PROCESS.—

24 (1) IN GENERAL.—An individual who has quali-
25 fied for the third-class medical certificate exemption

1 under subsection (a) and is seeking to serve as a
2 pilot in command of a covered aircraft shall be re-
3 quired to have completed the process for obtaining
4 an Authorization for Special Issuance of a Medical
5 Certificate for each of the following:

6 (A) A mental health disorder, limited to an
7 established medical history or clinical diagnosis
8 of—

9 (i) personality disorder that is severe
10 enough to have repeatedly manifested itself
11 by overt acts;

12 (ii) psychosis, defined as a case in
13 which an individual—

14 (I) has manifested delusions, hal-
15 lucinations, grossly bizarre or disorga-
16 nized behavior, or other commonly ac-
17 cepted symptoms of psychosis; or

18 (II) may reasonably be expected
19 to manifest delusions, hallucinations,
20 grossly bizarre or disorganized behav-
21 ior, or other commonly accepted
22 symptoms of psychosis;

23 (iii) bipolar disorder; or

24 (iv) substance dependence within the
25 previous 2 years, as defined in section

1 67.307(a)(4) of title 14, Code of Federal
2 Regulations.

3 (B) A neurological disorder, limited to an
4 established medical history or clinical diagnosis
5 of any of the following:

6 (i) Epilepsy.

7 (ii) Disturbance of consciousness with-
8 out satisfactory medical explanation of the
9 cause.

10 (iii) A transient loss of control of
11 nervous system functions without satisfac-
12 tory medical explanation of the cause.

13 (C) A cardiovascular condition, limited to a
14 one-time special issuance for each diagnosis of
15 the following:

16 (i) Myocardial infraction.

17 (ii) Coronary heart disease that has
18 required treatment.

19 (iii) Cardiac valve replacement.

20 (iv) Heart replacement.

21 (2) SPECIAL RULE FOR CARDIOVASCULAR CON-
22 DITIONS.—In the case of an individual with a car-
23 diovascular condition, the process for obtaining an
24 Authorization for Special Issuance of a Medical Cer-
25 tificate shall be satisfied with the successful comple-

1 tion of an appropriate clinical evaluation without a
2 mandatory wait period.

3 (3) SPECIAL RULE FOR MENTAL HEALTH CON-
4 DITIONS.—

5 (A) In the case of an individual with a
6 clinically diagnosed mental health condition, the
7 third-class medical certificate exemption under
8 subsection (a) shall not apply if—

9 (i) in the judgment of the individual's
10 State-licensed medical specialist, the condi-
11 tion—

12 (I) renders the individual unable
13 to safely perform the duties or exer-
14 cise the airman privileges described in
15 subsection (a)(8); or

16 (II) may reasonably be expected
17 to make the individual unable to per-
18 form the duties or exercise the privi-
19 leges described in subsection (a)(8); or

20 (ii) the individual's driver's license is
21 revoked by the issuing agency as a result
22 of a clinically diagnosed mental health con-
23 dition.

24 (B) Subject to subparagraph (A), an indi-
25 vidual clinically diagnosed with a mental health

1 condition shall certify every 2 years, in conjunc-
2 tion with the certification under subsection
3 (c)(10)(C), that the individual is under the care
4 of a State-licensed medical specialist for that
5 mental health condition.

6 (4) SPECIAL RULE FOR NEUROLOGICAL CONDI-
7 TIONS.—

8 (A) In the case of an individual with a
9 clinically diagnosed neurological condition, the
10 third-class medical certificate exemption under
11 subsection (a) shall not apply if—

12 (i) in the judgment of the individual's
13 State-licensed medical specialist, the condi-
14 tion—

15 (I) renders the individual unable
16 to safely perform the duties or exer-
17 cise the airman privileges described in
18 subsection (a)(8); or

19 (II) may reasonably be expected
20 to make the individual unable to per-
21 form the duties or exercise the privi-
22 leges described in subsection (a)(8); or

23 (ii) the individual's driver's license is
24 revoked by the issuing agency as a result

1 of a clinically diagnosed neurological condi-
2 tion.

3 (B) Subject to subparagraph (A), an indi-
4 vidual clinically diagnosed with a neurological
5 condition shall certify every 2 years, in conjunc-
6 tion with the certification under subsection
7 (c)(10)(C), that the individual is under the care
8 of a State-licensed medical specialist for that
9 neurological condition.

10 (f) IDENTIFICATION OF ADDITIONAL MEDICAL CON-
11 DITIONS FOR THE CACI PROGRAM.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, the Adminis-
14 trator shall review and identify additional medical
15 conditions that could be added to the program
16 known as the Conditions AMEs Can Issue (CACI)
17 program.

18 (2) CONSULTATIONS.—In carrying out para-
19 graph (1), the Administrator shall consult with avia-
20 tion, medical, and union stakeholders.

21 (3) REPORT REQUIRED.—Not later than 180
22 days after the date of enactment of this Act, the Ad-
23 ministrator shall submit to the Committee on Com-
24 merce, Science, and Transportation of the Senate
25 and the Committee on Transportation and Infra-

1 structure of the House of Representatives a report
2 listing the medical conditions that have been added
3 to the CACI program under paragraph (1).

4 (g) EXPEDITED AUTHORIZATION FOR SPECIAL
5 ISSUANCE OF A MEDICAL CERTIFICATE.—

6 (1) IN GENERAL.—The Administrator shall im-
7 plement procedures to expedite the process for ob-
8 taining an Authorization for Special Issuance of a
9 Medical Certificate under section 67.401 of title 14,
10 Code of Federal Regulations.

11 (2) CONSULTATIONS.—In carrying out para-
12 graph (1), the Administrator shall consult with avia-
13 tion, medical, and union stakeholders.

14 (3) REPORT REQUIRED.—Not later than 1 year
15 after the date of enactment of this Act, the Adminis-
16 trator shall submit to the Committee on Commerce,
17 Science, and Transportation of the Senate and the
18 Committee on Transportation and Infrastructure of
19 the House of Representatives a report describing
20 how the procedures implemented under paragraph
21 (1) will streamline the process for obtaining an Au-
22 thorization for Special Issuance of a Medical Certifi-
23 cate and reduce the amount of time needed to review
24 and decide special issuance cases.

1 (h) REPORT REQUIRED.—Not later than 5 years
2 after the date of enactment of this Act, the Administrator,
3 in coordination with the National Transportation Safety
4 Board, shall submit to the Committee on Commerce,
5 Science, and Transportation of the Senate and the Com-
6 mittee on Transportation and Infrastructure of the House
7 of Representatives a report that describes the effect of the
8 regulations issued or revised under subsection (a) and in-
9 cludes statistics with respect to changes in small aircraft
10 activity and safety incidents.

11 (i) PROHIBITION ON ENFORCEMENT ACTIONS.—Be-
12 ginning on the date that is 1 year after the date of enact-
13 ment of this Act, the Administrator may not take an en-
14 forcement action for not holding a valid third-class med-
15 ical certificate against a pilot of a covered aircraft for a
16 flight, through a good faith effort, if the pilot and the
17 flight meet the applicable requirements under subsection
18 (a), except paragraph (5) of that subsection, unless the
19 Administrator has published final regulations in the Fed-
20 eral Register under that subsection.

21 (j) COVERED AIRCRAFT DEFINED.—In this section,
22 the term “covered aircraft” means an aircraft that—

23 (1) is authorized under Federal law to carry not
24 more than 6 occupants; and

1 (2) has a maximum certificated takeoff weight
2 of not more than 6,000 pounds.

3 (k) OPERATIONS COVERED.—The provisions and re-
4 quirements covered in this section do not apply to pilots
5 who elect to operate under the medical requirements under
6 subsection (b) or subsection (c) of section 61.23 of title
7 14, Code of Federal Regulations.

8 (l) AUTHORITY TO REQUIRE ADDITIONAL INFORMA-
9 TION.—

10 (1) IN GENERAL.—If the Administrator receives
11 credible or urgent information, including from the
12 National Driver Register or the Administrator’s
13 Safety Hotline, that reflects on an individual’s abil-
14 ity to safely operate a covered aircraft under the
15 third-class medical certificate exemption in sub-
16 section (a), the Administrator may require the indi-
17 vidual to provide additional information or history so
18 that the Administrator may determine whether the
19 individual is safe to continue operating a covered
20 aircraft.

21 (2) USE OF INFORMATION.—The Administrator
22 may use credible or urgent information received
23 under paragraph (1) to request an individual to pro-
24 vide additional information or to take actions under
25 section 44709(b) of title 49, United States Code.

1 **SEC. 2603. EXPANSION OF PILOT'S BILL OF RIGHTS.**

2 (a) APPEALS OF SUSPENDED AND REVOKED AIRMAN
3 CERTIFICATES.—Section 2(d)(1) of the Pilot's Bill of
4 Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C.
5 44703 note) is amended by striking “or imposing a puni-
6 tive civil action or an emergency order of revocation under
7 subsections (d) and (e) of section 44709 of such title” and
8 inserting “suspending or revoking an airman certificate
9 under section 44709(d) of such title, or imposing an emer-
10 gency order of revocation under subsections (d) and (e)
11 of section 44709 of such title”.

12 (b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN
13 OF PROOF.—Section 2(e) of the Pilot's Bill of Rights
14 (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703
15 note) is amended—

16 (1) by amending paragraph (1) to read as fol-
17 lows:

18 “(1) IN GENERAL.—In an appeal filed under
19 subsection (d) in a United States district court with
20 respect to a denial, suspension, or revocation of an
21 airman certificate by the Administrator—

22 “(A) the district court shall review the de-
23 nial, suspension, or revocation de novo, includ-
24 ing by—

1 “(i) conducting a full independent re-
2 view of the complete administrative record
3 of the denial, suspension, or revocation;

4 “(ii) permitting additional discovery
5 and the taking of additional evidence; and

6 “(iii) making the findings of fact and
7 conclusions of law required by Rule 52 of
8 the Federal Rules of Civil Procedure with-
9 out being bound to any findings of fact of
10 the Administrator or the National Trans-
11 portation Safety Board.”;

12 (2) by redesignating paragraph (2) as para-
13 graph (3);

14 (3) by inserting after paragraph (1) the fol-
15 lowing:

16 “(2) BURDEN OF PROOF.—In an appeal filed
17 under subsection (d) in a United States district
18 court after an exhaustion of administrative remedies,
19 the burden of proof shall be as follows:

20 “(A) In an appeal of the denial of an ap-
21 plication for the issuance or renewal of an air-
22 man certificate under section 44703 of title 49,
23 United States Code, the burden of proof shall
24 be upon the applicant denied an airman certifi-
25 cate by the Administrator.

1 “(B) In an appeal of an order issued by
2 the Administrator under section 44709 of title
3 49, United States Code, the burden of proof
4 shall be upon the Administrator.”; and

5 (4) by adding at the end the following:

6 “(4) APPLICABILITY OF ADMINISTRATIVE PRO-
7 CEDURE ACT.—Notwithstanding paragraph (1)(A) of
8 this subsection or subsection (a)(1) of section 554 of
9 title 5, United States Code, section 554 of such title
10 shall apply to adjudications of the Administrator
11 and the National Transportation Safety Board to
12 the same extent as that section applied to such adju-
13 dications before the date of enactment of the Pilot’s
14 Bill of Rights 2.”.

15 (c) NOTIFICATION OF INVESTIGATION.—Subsection
16 (b) of section 2 of the Pilot’s Bill of Rights (Public Law
17 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is
18 amended—

19 (1) in paragraph (2)(A), by inserting “and the
20 specific activity on which the investigation is based”
21 after “nature of the investigation”;

22 (2) in paragraph (3), by striking “timely”; and

23 (3) in paragraph (5), by striking “section
24 44709(c)(2)” and inserting “section 44709(e)(2)”.

1 (d) RELEASE OF INVESTIGATIVE REPORTS.—Section
2 2 of the Pilot’s Bill of Rights (Public Law 112–153; 126
3 Stat. 1159; 49 U.S.C. 44703 note) is further amended by
4 inserting after subsection (e) the following:

5 “(f) RELEASE OF INVESTIGATIVE REPORTS.—

6 “(1) IN GENERAL.—

7 “(A) EMERGENCY ORDERS.—In any pro-
8 ceeding conducted under part 821 of title 49,
9 Code of Federal Regulations, relating to the
10 amendment, modification, suspension, or rev-
11 ocation of an airman certificate, in which the
12 Administrator issues an emergency order under
13 subsections (d) and (e) of section 44709, sec-
14 tion 44710, or section 46105(c) of title 49,
15 United States Code, or another order that takes
16 effect immediately, the Administrator shall pro-
17 vide to the individual holding the airman certifi-
18 cate the releasable portion of the investigative
19 report at the time the Administrator issues the
20 order. If the complete Report of Investigation is
21 not available at the time the Emergency Order
22 is issued, the Administrator shall issue all por-
23 tions of the report that are available at the time
24 and shall provide the full report within 5 days
25 of its completion.

1 “(B) OTHER ORDERS.—In any non-emer-
2 gency proceeding conducted under part 821 of
3 title 49, Code of Federal Regulations, relating
4 to the amendment, modification, suspension, or
5 revocation of an airman certificate, in which the
6 Administrator notifies the certificate holder of a
7 proposed certificate action under subsections
8 (b) and (c) of section 44709 or section 44710
9 of title 49, United States Code, the Adminis-
10 trator shall, upon the written request of the
11 covered certificate holder and at any time after
12 that notification, provide to the covered certifi-
13 cate holder the releasable portion of the inves-
14 tigative report.

15 “(2) MOTION FOR DISMISSAL.—If the Adminis-
16 trator does not provide the releasable portions of the
17 investigative report to the individual holding the air-
18 man certificate subject to the proceeding referred to
19 in paragraph (1) by the time required by that para-
20 graph, the individual may move to dismiss the com-
21 plaint of the Administrator or for other relief and,
22 unless the Administrator establishes good cause for
23 the failure to provide the investigative report or for
24 a lack of timeliness, the administrative law judge

1 shall order such relief as the judge considers appro-
2 priate.

3 “(3) RELEASABLE PORTION OF INVESTIGATIVE
4 REPORT.—For purposes of paragraph (1), the re-
5 leasable portion of an investigative report is all in-
6 formation in the report, except for the following:

7 “(A) Information that is privileged.

8 “(B) Information that constitutes work
9 product or reflects internal deliberative process.

10 “(C) Information that would disclose the
11 identity of a confidential source.

12 “(D) Information the disclosure of which is
13 prohibited by any other provision of law.

14 “(E) Information that is not relevant to
15 the subject matter of the proceeding.

16 “(F) Information the Administrator can
17 demonstrate is withheld for good cause.

18 “(G) Sensitive security information, as de-
19 fined in section 15.5 of title 49, Code of Fed-
20 eral Regulations (or any corresponding similar
21 ruling or regulation).

22 “(4) RULE OF CONSTRUCTION.—Nothing in
23 this subsection shall be construed to prevent the Ad-
24 ministrator from releasing to an individual subject
25 to an investigation described in subsection (b)(1)—

1 “(A) information in addition to the infor-
2 mation included in the releasable portion of the
3 investigative report; or

4 “(B) a copy of the investigative report be-
5 fore the Administrator issues a complaint.”.

6 **SEC. 2604. LIMITATIONS ON REEXAMINATION OF CERTIFI-**
7 **CATE HOLDERS.**

8 (a) IN GENERAL.—Section 44709(a) is amended—
9 (1) by striking “The Administrator” and insert-
10 ing the following:

11 “(1) IN GENERAL.—The Administrator”;

12 (2) by striking “reexamine” and inserting “, ex-
13 cept as provided in paragraph (2), reexamine”; and

14 (3) by adding at the end the following:

15 “(2) LIMITATION ON THE REEXAMINATION OF
16 AIRMAN CERTIFICATES.—

17 “(A) IN GENERAL.—The Administrator
18 may not reexamine an airman holding a stu-
19 dent, sport, recreational, or private pilot certifi-
20 cate issued under section 44703 of this title if
21 the reexamination is ordered as a result of an
22 event involving the fault of the Federal Aviation
23 Administration or its designee, unless the Ad-
24 ministrator has reasonable grounds—

1 “(i) to establish that the airman may
2 not be qualified to exercise the privileges of
3 a particular certificate or rating, based
4 upon an act or omission committed by the
5 airman while exercising those privileges,
6 after the certificate or rating was issued by
7 the Federal Aviation Administration or its
8 designee; or

9 “(ii) to demonstrate that the airman
10 obtained the certificate or the rating
11 through fraudulent means or through an
12 examination that was substantially and de-
13 monstrably inadequate to establish the air-
14 man’s qualifications.

15 “(B) NOTIFICATION REQUIREMENTS.—Be-
16 fore taking any action to reexamine an airman
17 under subparagraph (A), the Administrator
18 shall provide to the airman—

19 “(i) a reasonable basis, described in
20 detail, for requesting the reexamination;
21 and

22 “(ii) any information gathered by the
23 Federal Aviation Administration, that the
24 Administrator determines is appropriate to
25 provide, such as the scope and nature of

1 the requested reexamination, that formed
2 the basis for that justification.”.

3 (b) AMENDMENT, MODIFICATION, SUSPENSION, OR
4 REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAM-
5 INATION.—Section 44709(b) is amended—

6 (1) in paragraph (1), by redesignating subpara-
7 graphs (A) and (B) as clauses (i) and (ii), respec-
8 tively, and indenting appropriately;

9 (2) by redesignating paragraphs (1) and (2) as
10 subparagraphs (A) and (B), respectively, and indent-
11 ing appropriately;

12 (3) in the matter preceding subparagraph (A),
13 as redesignated, by striking “The Administrator”
14 and inserting the following:

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), the Administrator”; and

17 (4) by adding at the end the following:

18 “(2) AMENDMENTS, MODIFICATIONS, SUSPEN-
19 SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES
20 AFTER REEXAMINATION.—

21 “(A) IN GENERAL.—The Administrator
22 may not issue an order to amend, modify, sus-
23 pend, or revoke an airman certificate held by a
24 student, sport, recreational, or private pilot and
25 issued under section 44703 of this title after a

1 reexamination of the airman holding the certifi-
2 cate unless the Administrator determines that
3 the airman—

4 “(i) lacks the technical skills and com-
5 petency, or care, judgment, and responsi-
6 bility, necessary to hold and safely exercise
7 the privileges of the certificate; or

8 “(ii) materially contributed to the
9 issuance of the certificate by fraudulent
10 means.

11 “(B) STANDARD OF REVIEW.—Any order
12 of the Administrator under this paragraph shall
13 be subject to the standard of review provided
14 for under section 2 of the Pilot’s Bill of Rights
15 (49 U.S.C. 44703 note).”.

16 (c) CONFORMING AMENDMENTS.—Section
17 44709(d)(1) is amended—

18 (1) in subparagraph (A), by striking “sub-
19 section (b)(1)(A)” and inserting “subsection
20 (b)(1)(A)(i)”; and

21 (2) in subparagraph (B), by striking “sub-
22 section (b)(1)(B)” and inserting “subsection
23 (b)(1)(A)(ii)”.

24 **SEC. 2605. EXPEDITING UPDATES TO NOTAM PROGRAM.**

25 (a) IN GENERAL.—

1 (1) Beginning on the date that is 180 days
2 after the date of enactment of this Act, the Adminis-
3 trator of the Federal Aviation Administration may
4 not take any enforcement action against any indi-
5 vidual for a violation of a NOTAM (as defined in
6 section 3 of the Pilot’s Bill of Rights (49 U.S.C.
7 44701 note)) until the Administrator certifies to the
8 appropriate congressional committees that the Ad-
9 ministrator has complied with the requirements of
10 section 3 of the Pilot’s Bill of Rights, as amended
11 by this section.

12 (2) In this subsection, the term “appropriate
13 congressional committees” means—

14 (A) the Committee on Commerce, Science,
15 and Transportation of the Senate; and

16 (B) the Committee on Transportation and
17 Infrastructure of the House of Representatives.

18 (b) AMENDMENTS.—Section 3 of the Pilot’s Bill of
19 Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.
20 44701 note) is amended—

21 (1) in subsection (a)(2)—

22 (A) in the matter preceding subparagraph

23 (A)—

24 (i) by striking “this Act” and insert-
25 ing “the Pilot’s Bill of Rights 2”; and

1 (ii) by striking “begin” and inserting
2 “complete the implementation of”;

3 (B) by amending subparagraph (B) to read
4 as follows:

5 “(B) to continue developing and modern-
6 izing the NOTAM repository, in a public cen-
7 tral location, to maintain and archive all
8 NOTAMs, including the original content and
9 form of the notices, the original date of publica-
10 tion, and any amendments to such notices with
11 the date of each amendment, in a manner that
12 is Internet-accessible, machine-readable, and
13 searchable;”;

14 (C) in subparagraph (C), by striking the
15 period at the end and inserting “; and”; and

16 (D) by adding at the end the following:

17 “(D) to specify the times during which
18 temporary flight restrictions are in effect and
19 the duration of a designation of special use air-
20 space in a specific area.”; and

21 (2) by amending subsection (d) to read as fol-
22 lows:

23 “(d) DESIGNATION OF REPOSITORY AS SOLE
24 SOURCE FOR NOTAMS.—

25 “(1) IN GENERAL.—The Administrator—

1 “(A) shall consider the repository for
2 NOTAMs under subsection (a)(2)(B) to be the
3 sole location for airmen to check for NOTAMs;
4 and

5 “(B) may not consider a NOTAM to be
6 announced or published until the NOTAM is in-
7 cluded in the repository for NOTAMs under
8 subsection (a)(2)(B).

9 “(2) PROHIBITION ON TAKING ACTION FOR VIO-
10 LATIONS OF NOTAMS NOT IN REPOSITORY.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), beginning on the date that
13 the repository under subsection (a)(2)(B) is
14 final and published, the Administrator may not
15 take any enforcement action against an airman
16 for a violation of a NOTAM during a flight if—

17 “(i) that NOTAM is not available
18 through the repository before the com-
19 mencement of the flight; and

20 “(ii) that NOTAM is not reasonably
21 accessible and identifiable to the airman.

22 “(B) EXCEPTION FOR NATIONAL SECUR-
23 ITY.—Subparagraph (A) shall not apply in the
24 case of an enforcement action for a violation of

1 a NOTAM that directly relates to national se-
2 curity.”.

3 **SEC. 2606. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

4 (a) IN GENERAL.—Subchapter I of chapter 471 is
5 amended by inserting after section 47124 the following:

6 **“§ 47124a. Accessibility of certain flight data**

7 “(a) DEFINITIONS.—In this section:

8 “(1) ADMINISTRATION.—The term ‘Administra-
9 tion’ means the Federal Aviation Administration.

10 “(2) ADMINISTRATOR.—The term ‘Adminis-
11 trator’ means the Administrator of the Federal Avia-
12 tion Administration.

13 “(3) APPLICABLE INDIVIDUAL.—The term ‘ap-
14 plicable individual’ means an individual who is the
15 subject of an investigation initiated by the Adminis-
16 trator related to a covered flight record.

17 “(4) CONTRACT TOWER.—The term ‘contract
18 tower’ means an air traffic control tower providing
19 air traffic control services pursuant to a contract
20 with the Administration under the contract air traf-
21 fic control tower program under section
22 47124(b)(3).

23 “(5) COVERED FLIGHT RECORD.—The term
24 ‘covered flight record’ means any air traffic data (as
25 defined in section 2(b)(4)(B) of the Pilot’s Bill of

1 Rights (49 U.S.C. 44703 note)), created, main-
2 tained, or controlled by any program of the Adminis-
3 tration, including any program of the Administration
4 carried out by employees or contractors of the Ad-
5 ministration, such as contract towers, flight service
6 stations, and controller training programs.

7 “(b) PROVISION OF COVERED FLIGHT RECORD TO
8 ADMINISTRATION.—

9 “(1) REQUESTS.—Whenever the Administration
10 receives a written request for a covered flight record
11 from an applicable individual and the covered flight
12 record is not in the possession of the Administration,
13 the Administrator shall request the covered flight
14 record from the contract tower or other contractor
15 of the Administration in possession of the covered
16 flight record.

17 “(2) PROVISION OF RECORDS.—Any covered
18 flight record created, maintained, or controlled by a
19 contract tower or another contractor of the Adminis-
20 tration that maintains covered flight records shall be
21 provided to the Administration if the Administration
22 requests the record pursuant to paragraph (1).

23 “(3) NOTICE OF PROPOSED CERTIFICATE AC-
24 TION.—If the Administrator has issued, or subse-
25 quently issues, a Notice of Proposed Certificate Ac-

1 tion relying on evidence contained in the covered
2 flight record and the individual who is the subject of
3 an investigation has requested the record, the Ad-
4 ministrator shall promptly produce the record and
5 extend the time the individual has to respond to the
6 Notice of Proposed Certificate Action until the cov-
7 ered flight record is provided.

8 “(c) IMPLEMENTATION.—

9 “(1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of the Pilot’s Bill of
11 Rights 2, the Administrator shall promulgate regula-
12 tions or guidance to ensure compliance with this sec-
13 tion.

14 “(2) COMPLIANCE BY CONTRACTORS.—

15 “(A) Compliance with this section by a
16 contract tower or other contractor of the Ad-
17 ministration that maintains covered flight
18 records shall be included as a material term in
19 any contract between the Administration and
20 the contract tower or contractor entered into or
21 renewed on or after the date of enactment of
22 the Pilot’s Bill of Rights 2.

23 “(B) Subparagraph (A) shall not apply to
24 any contract or agreement in effect on the date
25 of enactment of the Pilot’s Bill of Rights 2 un-

1 less the contract or agreement is renegotiated,
2 renewed, or modified after that date.”.

3 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

4 The table of contents for chapter 471 is amended by in-
5 serting after the item relating to section 47124 the fol-
6 lowing:

“47124a. Accessibility of certain flight data.”.

7 **SEC. 2607. AUTHORITY FOR LEGAL COUNSEL TO ISSUE**
8 **CERTAIN NOTICES.**

9 Not later than 180 days after the date of enactment
10 of this Act, the Administrator of the Federal Aviation Ad-
11 ministration shall revise section 13.11 of title 14, Code
12 of Federal Regulations, to authorize legal counsel of the
13 Federal Aviation Administration to close enforcement ac-
14 tions covered by that section with a warning notice, letter
15 of correction, or other administrative action.

16 **TITLE III—AIR SERVICE**
17 **IMPROVEMENTS**

18 **SEC. 3001. DEFINITIONS.**

19 In this title:

20 (1) **COVERED AIR CARRIER.**—The term “cov-
21 ered air carrier” means an air carrier or a foreign
22 air carrier as those terms are defined in section
23 40102 of title 49, United States Code.

24 (2) **ONLINE SERVICE.**—The term “online serv-
25 ice” means any service available over the Internet,

1 or that connects to the Internet or a wide-area net-
2 work.

3 (3) TICKET AGENT.—The term “ticket agent”
4 has the meaning given the term in section 40102 of
5 title 49, United States Code.

6 **Subtitle A—Passenger Air Service** 7 **Improvements**

8 **SEC. 3101. CAUSES OF AIRLINE DELAYS OR CANCELLA-** 9 **TIONS.**

10 (a) REVIEW.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary of
13 Transportation shall review the categorization of
14 delays and cancellations with respect to air carriers
15 that are required to report such data.

16 (2) CONSIDERATIONS.—In conducting the re-
17 view under paragraph (1), the Secretary shall con-
18 sider, at a minimum—

19 (A) whether delays and cancellations at-
20 tributed by an air carrier to weather were un-
21 avoidable due to an operational or air traffic
22 control issue, or due to the air carrier’s pref-
23 erence in determining which flights to delay or
24 cancel during a weather event;

1 (B) whether and to what extent delays and
2 cancellations attributed by an air carrier to
3 weather disproportionately impact service to
4 smaller airports and communities; and

5 (C) whether it is an unfair or deceptive
6 practice in violation of section 41712 of title
7 49, United States Code, for an air carrier to in-
8 form a passenger that a flight is delayed or
9 cancelled due to weather, without any other
10 context or explanation for the delay or cancella-
11 tion, when the air carrier has discretion as to
12 which flights to delay or cancel.

13 (3) ADVISORY COMMITTEE FOR AVIATION CON-
14 SUMER PROTECTION.—The Secretary may use the
15 Advisory Committee for Aviation Consumer Protec-
16 tion, established under section 411 of the FAA Mod-
17 ernization and Reform Act of 2012 (49 U.S.C.
18 42301 prec. note), to assist in conducting the review
19 and providing recommendations.

20 (b) REPORT.—Not later than 90 days after the date
21 the review under subsection (a) is complete, the Secretary
22 shall submit to the appropriate committees of Congress
23 a report on the review under subsection (a), including any
24 recommendations.

1 (c) SAVINGS PROVISION.—Nothing in this section
2 shall be construed as affecting the decision of an air car-
3 rier to maximize its system capacity during weather-re-
4 lated events to accommodate the greatest number of pas-
5 sengers.

6 **SEC. 3102. INVOLUNTARY CHANGES TO ITINERARIES.**

7 (a) REVIEW.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary of
10 Transportation shall review whether it is an unfair
11 or deceptive practice in violation of section 41712 of
12 title 49, United States Code, for an air carrier to
13 change the itinerary of a passenger, more than 24
14 hours before departure, if the new itinerary involves
15 additional stops or departs 3 hours earlier or later
16 and compensation or other more suitable air trans-
17 portation is not offered.

18 (2) ADVISORY COMMITTEE FOR AVIATION CON-
19 SUMER PROTECTION.—The Secretary may use the
20 Advisory Committee for Aviation Consumer Protec-
21 tion, established under section 411 of the FAA Mod-
22 ernization and Reform Act of 2012 (49 U.S.C.
23 42301 prec. note), to assist in conducting the review
24 and providing recommendations.

1 (b) REPORT.—Not later than 90 days after the date
2 the review under subsection (a) is complete, the Secretary
3 shall submit to appropriate committees of Congress a re-
4 port on the review under subsection (a), including any rec-
5 ommendations.

6 **SEC. 3103. ADDITIONAL CONSUMER PROTECTIONS.**

7 Not later than 180 days after the date that the re-
8 views under sections 3101 and 3102 of this Act are com-
9 plete, the Secretary of Transportation shall issue a supple-
10 mental notice of proposed rulemaking to its notice of pro-
11 posed rulemaking published in the Federal Register on
12 May 23, 2014 (DOT–OST–2014–0056) (relating to the
13 transparency of airline ancillary fees and other consumer
14 protection issues) to consider the following:

15 (1) Requiring an air carrier to provide notifica-
16 tion and refunds or other consideration to a con-
17 sumer who is impacted by delays or cancellations
18 when an air carrier has a choice as to which flights
19 to cancel or delay during a weather-related event.

20 (2) Requiring an air carrier to provide notifica-
21 tion and refunds or other consideration to a con-
22 sumer who is impacted by involuntary changes to
23 the consumer’s itinerary.

1 **SEC. 3104. ADDRESSING THE NEEDS OF FAMILIES OF PAS-**
2 **SENGERS INVOLVED IN AIRCRAFT ACCI-**
3 **DENTS.**

4 (a) AIR CARRIERS HOLDING CERTIFICATES OF PUB-
5 LIC CONVENIENCE AND NECESSITY.—Section 41113 is
6 amended—

7 (1) in subsection (a), by striking “a major” and
8 inserting “any”;

9 (2) in subsection (b)—

10 (A) in paragraph (9), by striking “(and
11 any other victim of the accident)” and inserting
12 “(and any other victim of the accident, includ-
13 ing any victim on the ground)”;

14 (B) in paragraph (16), by striking “major”
15 and inserting “any”; and

16 (C) in paragraph (17)(A), by striking “sig-
17 nificant” and inserting “any”; and

18 (3) by amending subsection (e) to read as fol-
19 lows:

20 “(e) DEFINITIONS.—In this section—

21 “(1) ‘aircraft accident’ means any aviation dis-
22 aster, regardless of its cause or suspected cause, for
23 which the National Transportation Safety Board is
24 the lead investigative agency; and

25 “(2) ‘passenger’ has the meaning given the
26 term in section 1136.”.

1 (b) FOREIGN AIR CARRIERS PROVIDING FOREIGN
2 AIR TRANSPORTATION.—Section 41313 is amended—

3 (1) in subsection (b), by striking “a major” and
4 inserting “any”; and

5 (2) in subsection (c)—

6 (A) in paragraph (1), by striking “a sig-
7 nificant” and inserting “any”;

8 (B) in paragraph (2), by striking “a sig-
9 nificant” and inserting “any”;

10 (C) in paragraph (16), by striking “major”
11 and inserting “any”; and

12 (D) in paragraph (17)(A), by striking “sig-
13 nificant” and inserting “any”.

14 (c) NATIONAL TRANSPORTATION SAFETY BOARD.—

15 Section 1136(a) is amended by striking “aircraft accident
16 within the United States involving an air carrier or foreign
17 air carrier and resulting in a major loss of life” and insert-
18 ing “aircraft accident involving an air carrier or foreign
19 air carrier, resulting in any loss of life, and for which the
20 National Transportation Safety Board will serve as the
21 lead investigative agency”.

22 **SEC. 3105. EMERGENCY MEDICAL KITS.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of the enactment of this Act, the Administrator of
25 the Federal Aviation Administration shall evaluate and re-

1 vise, as appropriate, the regulations under part 121 of title
2 14, Code of Federal Regulations, regarding the emergency
3 medical equipment requirements, including the contents of
4 the first-aid kit, applicable to all certificate holders oper-
5 ating passenger-carrying airplanes under that part.

6 (b) CONSIDERATIONS.—The Administrator shall con-
7 sider whether the minimum contents of approved emer-
8 gency medical kits, including approved first-aid kits, in-
9 clude appropriate medications and equipment to meet the
10 emergency medical needs of children, including consider-
11 ation of an epinephrine auto-injector, as appropriate.

12 **SEC. 3106. TRAVELERS WITH DISABILITIES.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Comptroller General
15 of the United States shall—

16 (1) conduct a study of airport accessibility best
17 practices for individuals with disabilities, limited mo-
18 bility, or visual or hearing impairments; and

19 (2) submit to the appropriate committees of
20 Congress a report on the study, including the Comp-
21 troller General’s findings, conclusions, and rec-
22 ommendations.

23 (b) CONTENTS.—The study under subsection (a)
24 shall include accessibility best practices beyond those rec-
25 ommended under the Architectural Barriers Act of 1968

1 (42 U.S.C. 4151 et seq.), Rehabilitation Act of 1973 (29
2 U.S.C. 701 et seq.), Air Carrier Access Act of 1986 (100
3 Stat. 1080; Public Law 99–435), or Americans with Dis-
4 abilities Act of 1990 (42 U.S.C. 12101 et seq.), that im-
5 prove infrastructure and communications, such as with re-
6 gard to wayfinding, amenities, and passenger care.

7 **SEC. 3107. EXTENSION OF ADVISORY COMMITTEE FOR**
8 **AVIATION CONSUMER PROTECTION.**

9 (a) **TERMINATION.**—Section 411(h) of the FAA Mod-
10 ernization and Reform Act of 2012 (Public Law 112–95;
11 49 U.S.C. 42301 prec. note) is amended by striking
12 “March 30, 2016” and inserting “September 30, 2017”.

13 (b) **FINANCIAL DISCLOSURE.**—Section 411 of the
14 FAA Modernization and Reform Act of 2012 (Public Law
15 112–95; 49 U.S.C. 42301 prec. note) is further amend-
16 ed—

17 (1) by redesignating subsection (h) as sub-
18 section (i); and

19 (2) by inserting before subsection (i), the fol-
20 lowing:

21 “(h) **CONFLICT OF INTEREST DISCLOSURE.**—Begin-
22 ning on the date of enactment of the Federal Aviation Ad-
23 ministration Reauthorization Act of 2016, each member
24 of the advisory committee who is not a government em-
25 ployee shall disclose, on an annual basis, any potential

1 conflicts of interest, including financial conflicts of inter-
2 est, to the Secretary in such form and manner as pre-
3 scribed by the Secretary.”.

4 (c) RECOMMENDATIONS.—Section 411(g) of the FAA
5 Modernization and Reform Act of 2012 (Public Law 112–
6 95; 49 U.S.C. 42301 prec. note) is amended—

7 (1) by striking “of the first 2 calendar years be-
8 ginning after the date of enactment of this Act” and
9 inserting “calendar year”; and

10 (2) by inserting “and post on the Department
11 of Transportation Web site” after “Congress”.

12 **SEC. 3108. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

13 Section 47107(r)(3) is amended by striking “April 1,
14 2016” and inserting “October 1, 2017”.

15 **SEC. 3109. REFUNDS FOR DELAYED BAGGAGE.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, the Secretary of Transpor-
18 tation shall issue final regulations to require a covered air
19 carrier to promptly provide an automatic refund to a pas-
20 senger in the amount of any applicable ancillary fees paid
21 if the covered air carrier has charged the passenger an
22 ancillary fee for checked baggage but the covered air car-
23 rier fails to deliver the checked baggage to the passenger
24 not later than 6 hours after the arrival of a domestic flight
25 or 12 hours after the arrival of an international flight.

1 (b) EXCEPTION.—If as part of the rulemaking the
2 Secretary makes a determination on the record that a re-
3 quirement under subsection (a) is unfeasible and will neg-
4 atively affect consumers in certain cases, the Secretary
5 may modify 1 or both of the deadlines in that subsection
6 for such cases, except that—

7 (1) the deadline relating to a domestic flight
8 may not exceed 12 hours after the arrival of the do-
9 mestic flight; and

10 (2) the deadline relating to an international
11 flight may not exceed 24 hours after the arrival of
12 the domestic flight.

13 **SEC. 3110. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**
14 **ORED BY A COVERED AIR CARRIER.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of enactment of this Act, the Secretary of Transpor-
17 tation shall promulgate regulations that require each cov-
18 ered air carrier to promptly provide an automatic refund
19 to a passenger of any ancillary fees paid for services that
20 the passenger does not receive, including on the pas-
21 senger's scheduled flight or, if rescheduled, a subsequent
22 replacement itinerary.

23 (b) CANCELLED FLIGHTS.—As part of the rule under
24 subsection (a), the Secretary shall require each covered air
25 carrier to promptly provide an automatic refund to a pas-

1 senger of any ancillary fees paid for services that the pas-
2 senger does not receive for a flight cancelled by the pas-
3 senger.

4 **SEC. 3111. DISCLOSURE OF FEES TO CONSUMERS.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, the Secretary of Transpor-
7 tation shall issue final regulations requiring—

8 (1) each covered air carrier to disclose to a con-
9 sumer the baggage fee, cancellation fee, change fee,
10 ticketing fee, and seat selection fee of that covered
11 air carrier in a standardized format; and

12 (2) notwithstanding the manner in which infor-
13 mation regarding the fees described in paragraph
14 (1) is collected, each ticket agent to disclose to a
15 consumer such fees of a covered air carrier in the
16 standardized format described in paragraph (1).

17 (b) REQUIREMENTS.—The regulations under sub-
18 section (a) shall require that each disclosure—

19 (1) if ticketing is done on an Internet Web site
20 or other online service—

21 (A) be prominently displayed to the con-
22 sumer prior to the point of purchase; and

23 (B) set forth the fees described in sub-
24 section (a)(1) in clear and plain language and
25 a font of easily readable size; and

1 (2) if ticketing is done on the telephone, be ex-
2 pressly stated to the consumer during the telephone
3 call and prior to the point of purchase.

4 **SEC. 3112. SEAT ASSIGNMENTS.**

5 (a) IN GENERAL.—Not later than 15 months after
6 the date of enactment of this Act, the Secretary of Trans-
7 portation shall complete such actions as may be necessary
8 to require each covered air carrier and ticket agent to dis-
9 close to a consumer that seat selection for which a fee
10 is charged is an optional service, and that if a consumer
11 does not pay for a seat assignment, a seat will be assigned
12 to the consumer from available inventory at the time the
13 consumer checks in for the flight or prior to departure.

14 (b) REQUIREMENTS.—The disclosure under sub-
15 section (a) shall—

16 (1) if ticketing is done on an Internet Web site
17 or other online service, be prominently displayed to
18 the consumer on that Internet Web site or online
19 service during the selection of seating or prior to the
20 point of purchase; and

21 (2) if ticketing is done on the telephone, be ex-
22 pressly stated to the consumer during the telephone
23 call and prior to the point of purchase.

1 **SEC. 3113. CHILD SEATING.**

2 (a) IN GENERAL.—Not later than 15 months after
3 the date of enactment of this Act, the Secretary of Trans-
4 portation shall complete such actions as may be necessary
5 to require each covered air carrier and ticket agent to dis-
6 close to a consumer that if a reservation includes a child
7 under the age of 13 traveling with an accompanying pas-
8 senger who is age 13 or older—

9 (1) whether adjoining seats are available at no
10 additional cost at the time of purchase; and

11 (2) if not, what the covered air carrier's policy
12 is for accommodating adjoining seat requests at the
13 time the consumer checks in for the flight or prior
14 to departure.

15 (b) REQUIREMENTS.—The disclosure under sub-
16 section (a) shall—

17 (1) if ticketing is done on an Internet Web site
18 or other online service, be prominently displayed to
19 the consumer on that Internet Web site or online
20 service during the selection of seating or prior to the
21 point of purchase; and

22 (2) if ticketing is done on the telephone, be ex-
23 pressly stated to the consumer during the telephone
24 call and prior to the point of purchase.

1 **SEC. 3114. CONSUMER COMPLAINT PROCESS IMPROVE-**
2 **MENT.**

3 (a) IN GENERAL.—Section 42302 is amended—

4 (1) by redesignating subsections (b) and (c) as
5 subsections (c) and (d), respectively;

6 (2) by inserting after subsection (a), the fol-
7 lowing:

8 “(b) POINT OF SALE.—Each air carrier, foreign air
9 carrier, and ticket agent shall inform each consumer of
10 a carrier service, at the point of sale, that the consumer
11 can file a complaint about that service with the carrier
12 and with the Aviation Consumer Protection Division of the
13 Department of Transportation.”;

14 (3) by amending subsection (c), as redesign-
15 nated, to read as follows:

16 “(c) INTERNET WEB SITE OR OTHER ONLINE SERV-
17 ICE NOTICE.—Each air carrier and foreign air carrier
18 shall include on its Internet Web site, any related mobile
19 device application, and online service—

20 “(1) the hotline telephone number established
21 under subsection (a) or for the Aviation Consumer
22 Protection Division of the Department of Transpor-
23 tation;

24 “(2) an active link and the email address, tele-
25 phone number, and mailing address of the air car-
26 rier or foreign air carrier, as applicable, for a con-

1 consumer to submit a complaint to the carrier about the
2 quality of service;

3 “(3) notice that the consumer can file a com-
4 plaint with the Aviation Consumer Protection Divi-
5 sion of the Department of Transportation;

6 “(4) an active link to the Internet Web site of
7 the Aviation Consumer Protection Division of the
8 Department of Transportation for a consumer to file
9 a complaint; and

10 “(5) the active link described in paragraph (2)
11 on the same Internet Web site page as the active
12 link described in paragraph (4).”; and

13 (4) in subsection (d), as redesignated—

14 (A) in the matter preceding paragraph (1),
15 by striking “An air carrier or foreign air carrier
16 providing scheduled air transportation using
17 any aircraft that as originally designed has a
18 passenger capacity of 30 or more passenger
19 seats” and inserting “Each air carrier and for-
20 eign air carrier”;

21 (B) in paragraph (1), by striking “air car-
22 rier” and inserting “carrier”; and

23 (C) in paragraph (2), by striking “air car-
24 rier” and inserting “carrier”.

1 (b) RULEMAKING.—Not later than 1 year after the
2 date of enactment of this Act, the Secretary of Transpor-
3 tation shall promulgate regulations to implement the re-
4 quirements of section 42302 of title 49, United States
5 Code, as amended.

6 **SEC. 3115. ONLINE ACCESS TO AVIATION CONSUMER PRO-**
7 **TECTION INFORMATION.**

8 (a) INTERNET WEB SITE.—Not later than 180 days
9 after the date of enactment of this Act, the Secretary of
10 Transportation shall—

11 (1) complete an evaluation of the aviation con-
12 sumer protection portion of the Department of
13 Transportation’s public Internet Web site to identify
14 any changes to the user interface that will improve
15 usability, accessibility, consumer satisfaction, and
16 Web site performance;

17 (2) in completing the evaluation under para-
18 graph (1)—

19 (A) consider the best practices of other
20 Federal agencies with effective Web sites; and

21 (B) consult with the Federal Web Man-
22 agers Council;

23 (3) develop a plan, including an implementation
24 timeline, for—

1 (A) making the changes identified under
2 paragraph (1); and

3 (B) making any necessary changes to that
4 portion of the Web site that will enable a con-
5 sumer—

6 (i) to access information regarding
7 each complaint filed with the Aviation Con-
8 sumer Protection Division of the Depart-
9 ment of Transportation;

10 (ii) to search the complaints described
11 in clause (i) by the name of the air carrier
12 and the type of complaint; and

13 (iii) to determine the date a complaint
14 was filed and the date a complaint was re-
15 solved; and

16 (4) submit the evaluation and plan to the ap-
17 propriate committees of Congress.

18 (b) MOBILE APPLICATION SOFTWARE.—Not later
19 than 1 year after the date of enactment of this Act, the
20 Secretary of Transportation shall—

21 (1) implement a program to develop application
22 software for wireless devices that will enable a user
23 to access information and perform activities related
24 to aviation consumer protection, such as—

1 (A) information regarding airline pas-
2 senger protections, including protections related
3 to lost baggage and baggage fees, disclosure of
4 additional fees, bumping, and tarmac delays;
5 and

6 (B) file an aviation consumer complaint,
7 including a safety and security, airline service,
8 disability and discrimination, or privacy com-
9 plaint, with the Aviation Consumer Protection
10 Division of the Department of Transportation;
11 and

12 (2) make the application software available to
13 the public at no cost.

14 **SEC. 3116. STUDY ON IN CABIN WHEELCHAIR RESTRAINT**
15 **SYSTEMS.**

16 Not later than 2 years after the date of the enact-
17 ment of this Act, the Architectural and Transportation
18 Barriers Compliance Board, in consultation with the Sec-
19 retary of Transportation, shall conduct a study to deter-
20 mine the ways in which particular individuals with signifi-
21 cant disabilities who use wheelchairs, including power
22 wheelchairs, can be accommodated through in cabin wheel-
23 chair restraint systems.

1 **SEC. 3117. TRAINING POLICIES REGARDING ASSISTANCE**
2 **FOR PERSONS WITH DISABILITIES.**

3 (a) IN GENERAL.—Not later than 270 days after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall submit to Congress a report
6 describing—

7 (1) each air carrier’s training policy for its per-
8 sonnel and contractors regarding assistance for per-
9 sons with disabilities, as required by Department of
10 Transportation regulations;

11 (2) any variations among the air carriers in the
12 policies described in paragraph (1);

13 (3) how the training policies are implemented to
14 meet the Department of Transportation regulations;

15 (4) how frequently an air carrier must train
16 new employees and contractors due to turnover in
17 positions that require such training;

18 (5) how frequently, in the prior 10 years, the
19 Department of Transportation has requested, after
20 reviewing a training policy, that an air carrier take
21 corrective action; and

22 (6) the action taken by an air carrier under
23 paragraph (5).

24 (b) BEST PRACTICES.—After the date the report is
25 submitted under subsection (a), the Secretary of Trans-
26 portation, based on the findings of the report, shall de-

1 velop and disseminate to air carriers such best practices
2 as the Secretary considers necessary to improve the train-
3 ing policies.

4 **SEC. 3118. ADVISORY COMMITTEE ON THE AIR TRAVEL**
5 **NEEDS OF PASSENGERS WITH DISABILITIES.**

6 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
7 tation shall establish an advisory committee for the air
8 travel needs of passengers with disabilities (referred to in
9 this subsection as the “Advisory Committee”).

10 (b) **DUTIES.**—The Advisory Committee shall advise
11 the Secretary with regard to the implementation of the
12 Air Carrier Access Act of 1986 (Public Law 99–435; 100
13 Stat. 1080), including—

14 (1) assessing the disability-related access bar-
15 riers encountered by passengers with disabilities;

16 (2) determining the extent to which the pro-
17 grams and activities of the Department of Transpor-
18 tation are addressing the barriers described in para-
19 graph (1);

20 (3) recommending improvements to the air
21 travel experience of passengers with disabilities; and

22 (4) such activities as the Secretary considers
23 necessary to carry out this section.

24 (c) **MEMBERSHIP.**—

1 (1) IN GENERAL.—The Advisory Committee
2 shall be comprised of at least 1 representative of
3 each of the following groups:

4 (A) Passengers with disabilities.

5 (B) National disability organizations.

6 (C) Air carriers.

7 (D) Airport operators.

8 (E) Contractor service providers.

9 (2) APPOINTMENT.—The Secretary of Trans-
10 portation shall appoint each member of the Advisory
11 Committee.

12 (3) VACANCIES.—A vacancy in the Advisory
13 Committee shall be filled in the manner in which the
14 original appointment was made.

15 (d) CHAIRPERSON.—The Secretary of Transportation
16 shall designate, from among the members appointed under
17 subsection (c), an individual to serve as chairperson of the
18 Advisory Committee.

19 (e) TRAVEL EXPENSES.—Members of the advisory
20 committee shall serve without pay, but shall receive travel
21 expenses, including per diem in lieu of subsistence, in ac-
22 cordance with subchapter I of chapter 57 of title 5, United
23 States Code.

24 (f) REPORTS.—

1 (1) IN GENERAL.—Not later than February 1
2 of each year, the Advisory Committee shall submit
3 to the Secretary of Transportation a report on the
4 needs of passengers with disabilities in air travel, in-
5 cluding—

6 (A) an assessment of disability-related ac-
7 cess barriers, both those that were evident in
8 the preceding year and those that will likely be
9 an issue in the next 5 years;

10 (B) an evaluation of the extent to which
11 the Department of Transportation’s programs
12 and activities are eliminating disability-related
13 access barriers;

14 (C) a description of the Advisory Commit-
15 tee’s actions during the prior calendar year;

16 (D) a description of activities that the Ad-
17 visory Committee proposed to undertake in the
18 succeeding calendar year; and

19 (E) any recommendations for legislation,
20 administrative action, or other action that the
21 Advisory Committee considers appropriate.

22 (2) REPORT TO CONGRESS.—Not later than 60
23 days after the date the Secretary receives the report
24 under subparagraph (A), the shall submit to Con-
25 gress a copy of the report, including any additional

1 findings or recommendations that the Secretary con-
2 siders appropriate.

3 (g) TERMINATION.—The Advisory Committee shall
4 terminate 2 years after the date of enactment of this Act.

5 **SEC. 3119. REPORT ON COVERED AIR CARRIER CHANGE**
6 **AND CANCELLATION FEES.**

7 (a) IN GENERAL.—The Comptroller General of the
8 United States shall conduct a study of existing airline in-
9 dustry change and cancellation fees and the current indus-
10 try practice for handling changes to or cancellation of
11 ticketed travel on covered air carriers.

12 (b) CONSIDERATIONS.—In conducting the study, the
13 Comptroller General shall consider, at a minimum—

14 (1) whether and how each covered air carrier
15 calculates its change fees and cancellation fees; and

16 (2) the relationship between the cost of the
17 ticket and the date of change or cancellation as com-
18 pared to the date of travel.

19 (c) REPORT.—Not later than 1 year after the date
20 of enactment of this Act, the Comptroller General shall
21 submit to the appropriate committees of Congress a report
22 on the study, including the Comptroller General's findings,
23 conclusions, and recommendations.

1 **SEC. 3120. ENFORCEMENT OF AVIATION CONSUMER PRO-**
2 **TECTION RULES.**

3 (a) IN GENERAL.—The Comptroller General of the
4 United States shall conduct a study to consider and evalu-
5 ate Department of Transportation enforcement of aviation
6 consumer protection rules.

7 (b) CONTENTS.—The study under subsection (a)
8 shall include an evaluation of—

9 (1) available enforcement mechanisms;

10 (2) any obstacles to enforcement; and

11 (3) trends in Department of Transportation en-
12 forcement actions.

13 (c) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Comptroller General shall
15 submit to the appropriate committees of Congress a report
16 on the study, including the Comptroller General's findings,
17 conclusions, and recommendations.

18 **SEC. 3121. DIMENSIONS FOR PASSENGER SEATS.**

19 (a) IN GENERAL.—Not later than 18 months after
20 the date of enactment of this Act, the Secretary of Trans-
21 portation shall initiate a proceeding to study the minimum
22 seat pitch for passenger seats on aircraft operated by air
23 carriers (as defined in section 40102 of title 49, United
24 States Code).

25 (b) CONSIDERATIONS.—In reviewing any minimum
26 seat pitch under subsection (a), the Secretary shall con-

1 sider the safety of passengers, including passengers with
2 disabilities.

3 **Subtitle B—Essential Air Service**

4 **SEC. 3201. ESSENTIAL AIR SERVICE.**

5 (a) AUTHORIZATION EXTENSION.—Section 41742 is
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) by striking “Out of the” and in-
10 sserting “All of the”; and

11 (ii) by striking “or otherwise” and all
12 that follows through “year is” and insert-
13 ing “for each of fiscal years 2016 through
14 2017 are”;

15 (B) in paragraph (2), by striking
16 “\$150,000,000” and all that follows though
17 “March 31, 2016” and inserting
18 “\$155,000,000 for each of fiscal years 2016
19 through 2017”; and

20 (C) by striking paragraph (3);

21 (2) by striking subsection (b); and

22 (3) by redesignating subsection (c) as sub-
23 section (b).

24 (b) DEFINITIONS.—Section 41731(a)(1)(A) is
25 amended by striking clause (ii) and inserting the following:

1 “(ii) was determined, on or after Oc-
2 tober 1, 1988, and before December 1,
3 2012, under this subchapter by the Sec-
4 retary of Transportation to be eligible to
5 receive subsidized small community air
6 service under section 41736(a);”.

7 **SEC. 3202. SMALL COMMUNITY AIR SERVICE DEVELOP-**
8 **MENT PROGRAM.**

9 (a) **EXTENSION OF AUTHORIZATION.**—Section
10 41743(e)(2) is amended to read as follows:

11 “(2) **AUTHORIZATION OF APPROPRIATIONS.**—
12 There is authorized to be appropriated to the Sec-
13 retary \$10,000,000 for each of fiscal years 2016
14 through 2017 to carry out this section. Such sums
15 shall remain available until expended.”.

16 (b) **ELIGIBILITY.**—Section 41743(c)(1) is amended
17 to read as follows:

18 “(1) **SIZE.**—On the date of the most recent no-
19 tice of order soliciting community proposals issued
20 by the Secretary under this section, the airport serv-
21 ing the community or consortium—

22 “(A) was not larger than a small hub air-
23 port, as determined using the Department of
24 Transportation’s most recent published classi-
25 fication; and

1 “(B)(i) had insufficient air carrier service;

2 or

3 “(ii) had unreasonably high air fares.”.

4 **SEC. 3203. SMALL COMMUNITY PROGRAM AMENDMENTS.**

5 (a) IN GENERAL.—Section 41743(c)(4) is amend-
6 ed—

7 (1) by inserting “(B) SAME PROJECTS.—” be-
8 fore the second sentence and indenting appro-
9 priately;

10 (2) by inserting “(A) IN GENERAL.—” before
11 the first sentence and indenting appropriately;

12 (3) in subparagraph (B), as designated by this
13 subsection, by striking “No community” and insert-
14 ing “Except as provided in subparagraph (C)”; and

15 (4) by adding at the end the following:

16 “(C) EXCEPTION.—The Secretary may
17 waive the limitation under subparagraph (B)
18 related to projects that are the same if the Sec-
19 retary determines that the community or con-
20 sortium spent little or no money on its previous
21 project or encountered industry or environ-
22 mental challenges, due to circumstances that
23 were reasonably beyond the control of the com-
24 munity or consortium.”.

1 (b) AUTHORITY TO MAKE AGREEMENTS.—Section
2 41743(e)(1) is amended by adding at the end the fol-
3 lowing: “The Secretary may amend the scope of a grant
4 agreement at the request of the community or consortium
5 and any participating air carrier, and may limit the scope
6 of a grant agreement to only the elements using grant as-
7 sistance or to only the elements achieved, if the Secretary
8 determines that the amendment is reasonably consistent
9 with the original purpose of the project.”.

10 **SEC. 3204. WAIVERS.**

11 Section 41732 is amended by adding at the end the
12 following:

13 “(c) WAIVERS.—Notwithstanding section 41733(e),
14 upon request by an eligible place, the Secretary may waive,
15 in whole or in part, subsections (a) and (b) of this section
16 or subsections (a) through (c) of section 41734. A waiver
17 issued under this subsection shall remain in effect for a
18 limited period of time, as determined by the Secretary.”.

19 **SEC. 3205. WORKING GROUP ON IMPROVING AIR SERVICE**
20 **TO SMALL COMMUNITIES.**

21 (a) IN GENERAL.—Not later than 120 days after the
22 date of enactment of this Act, the Secretary of Transpor-
23 tation and the Administrator of the Federal Aviation Ad-
24 ministration shall establish a working group—

1 (1) to identify obstacles to attracting and main-
2 taining air transportation service to and from small
3 communities; and

4 (2) to develop recommendations for maintaining
5 and improving air transportation service to and from
6 small communities.

7 (b) OUTREACH.—In carrying out the requirements
8 under paragraphs (1) and (2) of subsection (a), the work-
9 ing group shall consult with—

10 (1) interested Governors;

11 (2) representatives of State and local agencies,
12 and other officials and groups, representing rural
13 States and other rural areas;

14 (3) other representatives of relevant State and
15 local agencies; and

16 (4) members of the public with experience in
17 aviation safety, economic development, and related
18 issues.

19 (c) CONSIDERATIONS.—In carrying out the require-
20 ments under paragraphs (1) and (2) of subsection (a), the
21 working group shall—

22 (1) consider whether funding for, and terms of,
23 current or potential new programs is sufficient to
24 help ensure continuation of or improvement to air
25 transportation service to small communities, includ-

1 ing the Essential Air Service Program and the Small
2 Community Air Service Development Program;

3 (2) identify initiatives to help support pilot
4 training to provide air transportation service to
5 small communities;

6 (3) consider whether Federal funding for air-
7 ports serving small communities, including airports
8 that have lost air transportation services or had de-
9 creased enplanements in recent years, is adequate to
10 ensure that small communities have access to qual-
11 ity, affordable air transportation service;

12 (4) consider potential improvements in pilot
13 training and any constraints affecting pilot career
14 pathways that, if addressed, would increase both
15 aviation safety and pilot supply;

16 (5) identify innovative State or local efforts that
17 have established public-private partnerships that are
18 successful in attracting and retaining air transpor-
19 tation service in small communities; and

20 (6) consider such other issues as the Secretary
21 and Administrator consider appropriate.

22 (d) COMPOSITION.—

23 (1) IN GENERAL.—The working group shall be
24 facilitated through the Administrator or the Admin-
25 istrator's designee.

1 (2) MEMBERSHIP.—Members of the working
2 group shall be appointed by the Administrator and
3 shall include representatives of—

4 (A) State and local government, including
5 State and local aviation officials;

6 (B) State governors;

7 (C) aviation safety experts;

8 (D) economic development officials; and

9 (E) the traveling public from small com-
10 munities.

11 (e) REPORT AND RECOMMENDATIONS.—Not later
12 than 1 year after the date of enactment of this Act, the
13 Secretary and the Administrator shall submit to the ap-
14 propriate committees of Congress a report, including—

15 (1) a summary of the views expressed by the
16 participants in the outreach under subsection (b);

17 (2) a description of the working group’s find-
18 ings, including the identification of any areas of gen-
19 eral consensus among the non-Federal participants
20 in the outreach under subsection (b); and

21 (3) any recommendations for legislative or regu-
22 latory action that would assist in maintaining and
23 improving air transportation service to and from
24 small communities.

1 **TITLE IV—NEXTGEN AND FAA**
2 **ORGANIZATION**

3 **SEC. 4001. DEFINITIONS.**

4 In this title:

5 (1) ADMINISTRATION.—The term “Administra-
6 tion” means the Federal Aviation Administration.

7 (2) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the Federal
9 Aviation Administration.

10 (3) ADS-B.—The term “ADS-B” means auto-
11 matic dependent surveillance-broadcast.

12 (4) ADS-B OUT.—The term “ADS-B Out”
13 means automatic dependent surveillance-broadcast
14 with the ability to transmit information from the
15 aircraft to ground stations and to other equipped
16 aircraft.

17 (5) NEXTGEN.—The term “NextGen” means
18 the Next Generation Air Transportation System.

19 **Subtitle A—Next Generation Air**
20 **Transportation System**

21 **SEC. 4101. RETURN ON INVESTMENT ASSESSMENT.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of the enactment of this Act, the Administrator shall
24 submit to the appropriate committees of Congress a report

1 on the Administrator's assessment of each NextGen pro-
2 gram.

3 (b) CONTENTS.—The report under subsection (a)
4 shall include—

5 (1) an estimate of the date that each NextGen
6 program will have a positive return on investment;

7 (2) an assessment of the impacts of each such
8 program for—

9 (A) the Federal Government; and

10 (B) the users of the national airspace sys-
11 tem;

12 (3) a description of how each such program di-
13 rectly contributes to a more safe and efficient air
14 traffic control system; and

15 (4) the status of NextGen programs and of the
16 projected return on investment for each such pro-
17 gram.

18 (c) NEXTGEN PRIORITY LIST.—Based on the assess-
19 ment under subsection (a) the Administrator shall—

20 (1) develop, in coordination with the NextGen
21 Advisory Committee and considering the need for a
22 balance between long-term and near-term user bene-
23 fits, a prioritization of each NextGen program;

24 (2) include the priority list in the report under
25 subsection (b); and

1 ration of aircraft over the oceans and other specific
2 regions not covered by radar.

3 (b) REPORT.—Not later than 6 months after the date
4 of the enactment of this Act, and biannually thereafter
5 until the date that the Administrator certifies that the Ad-
6 ministration has the capability to receive space-based
7 ADS-B data, the Administrator shall submit to the appro-
8 priate committees of Congress a report that—

9 (1) details the actions the Administrator has
10 taken to ensure 2018 readiness and usage;

11 (2) details the actions that remain to be taken
12 to implement such capability;

13 (3) includes a schedule for expected completion
14 of each outstanding action described in paragraph
15 (2); and

16 (4) includes a detailed description of the invest-
17 ment decisions and requests for funding made by the
18 Administrator that are consistent with the terrestrial
19 ADS-B implementation to ensure a sustained pro-
20 gram beyond 2018.

21 **SEC. 4103. NEXTGEN METRICS REPORT.**

22 Section 710(e)(2) of the Vision 100—Century of
23 Aviation Reauthorization Act (Public Law 108–176; 49
24 U.S.C. 40101 note) is amended—

1 (1) in subparagraph (D), by striking “; and”
2 and inserting a semicolon;

3 (2) in subparagraph (E), by striking the period
4 at the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(F) a description of the progress made on
7 NextGen performance goals relative to the per-
8 formance metrics established under section 214
9 of the FAA Modernization and Reform Act of
10 2012 (Public Law 112–95; 49 U.S.C. 40101
11 note).”.

12 **SEC. 4104. FACILITY OUTAGE CONTINGENCY PLANS.**

13 (a) FINDINGS.—Congress makes the following find-
14 ings:

15 (1) On September 26, 2014, an Administration
16 contract employee deliberately started a fire that de-
17 stroyed critical equipment at the Administration’s
18 Chicago Air Route Traffic Control Center (referred
19 to in this section as the “Chicago Center”) in Au-
20 rora, Illinois.

21 (2) As a result of the damage, Chicago Center
22 was unable to control air traffic for more than 2
23 weeks, thousands of flights were delayed or cancelled
24 into and out of O’Hare International Airport and
25 Midway Airport in Chicago, and aviation stake-

1 holders and airlines reportedly lost over
2 \$350,000,000.

3 (3) According to the Office of the Inspector
4 General of the Department of Transportation, the
5 fire at Chicago Center demonstrated that the Ad-
6 ministration's contingency plans for the Chicago
7 Center and the airspace it controls do not ensure re-
8 dundancy and resiliency for sustained operations.

9 (4) Further, the Inspector General found that
10 Chicago Center incident highlighted the limited flexi-
11 bility and lack of resiliency in critical elements of the
12 Administration's current air traffic control infra-
13 structure, including limited communication capacity
14 and the inability to easily transfer control of air-
15 space and flight plans.

16 (b) COMPREHENSIVE CONTINGENCY PLAN.—Not
17 later than 180 days after the date of the enactment of
18 this Act, the Administrator shall update the Administra-
19 tion's comprehensive contingency plan to address potential
20 air traffic facility outages that could have a major impact
21 on operation of the national airspace system.

22 (c) REPORT.—Not later than 60 days after the date
23 the plan is updated under subsection (b), the Adminis-
24 trator shall submit to the appropriate committees of Con-
25 gress a report on the update, including any recommenda-

1 tions for ensuring air traffic facility outages do not have
2 a major impact on operation of the national airspace sys-
3 tem.

4 **SEC. 4105. ADS-B MANDATE ASSESSMENT.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The Administration’s ADS-B program is ex-
8 pected to be the centerpiece of the NextGen effort
9 at the Administration, but the satellite-based system
10 faces uncertainty and controversy.

11 (2) In May 2010, the Administration published
12 a final rule that mandated airspace users be
13 equipped with ADS-B Out avionics by January 1,
14 2020.

15 (3) Subsequently, in April 2015, the Adminis-
16 tration announced completion of the ADS-B ground-
17 based radio infrastructure. However, the ADS-B
18 program faces considerable uncertainty and unan-
19 swered questions about whether or not the 2020
20 mandate is still meaningful.

21 (4) In 2014, the Office of the Inspector General
22 found that while ADS-B is providing benefits where
23 radar is limited or nonexistent in places such as the
24 Gulf of Mexico, the system is providing only limited

1 initial services to pilots and air traffic controllers in
2 domestic airspace.

3 (5) The Office of the Inspector General also
4 found, in 2014, that all elements of the system, such
5 as avionics, the ground infrastructure, and controller
6 automation systems, had not yet been tested in com-
7 bination to see if the overall system can be used in
8 congested airspace and perform as well as existing
9 radar, much less allow aircraft to fly closer together.
10 This is referred to as “end-to-end testing.”

11 (6) When this report was issued, commercial
12 and general aviation stakeholders voiced serious con-
13 cerns that equipping with new avionics for the 2020
14 mandate will be difficult due to the cost and limited
15 availability of avionics, and capacity of certified re-
16 pair stations to install avionics.

17 (b) ASSESSMENT.—Not later than 1 year after the
18 date of the enactment of this Act, the Inspector General
19 of the Department of Transportation shall assess—

20 (1) Administration and industry readiness to
21 meet the ADS-B mandate by 2020;

22 (2) changes to ADS-B program since May
23 2010; and

24 (3) additional options to comply with the man-
25 date and consequences, both for individual system

1 users and for the overall safety and efficiency of the
2 national airspace system, for noncompliance.

3 (c) REPORT.—Not later than 60 days after the date
4 the assessment under subsection (b) is complete, the In-
5 spector General of the Department of Transportation shall
6 submit to the appropriate committees of Congress a report
7 on the progress made toward meeting the ADS-B mandate
8 by 2020, including any recommendations of the Inspector
9 General to carry out such mandate.

10 **SEC. 4106. NEXTGEN INTEROPERABILITY.**

11 (a) IN GENERAL.—To implement a more effective
12 international strategy for achieving NextGen interoper-
13 ability with foreign countries, the Administrator shall take
14 the following actions:

15 (1) Conduct a gap analysis to identify potential
16 risks to NextGen interoperability with other Air
17 Navigation Service Providers and establish a sched-
18 ule for periodically reevaluating such risks.

19 (2) Develop a plan that identifies and docu-
20 ments actions the Administrator will undertake to
21 mitigate such risks, using information from the gap
22 analysis as a basis for making management deci-
23 sions about how to allocate resources for such ac-
24 tions.

1 (b) REPORT.—Not later than 1 year after the date
2 of the enactment of this Act, the Administrator shall sub-
3 mit to the appropriate committees of Congress a report
4 on the analysis conducted under paragraph (1) of sub-
5 section (a) and on the actions the Administrator has taken
6 under paragraph (2) of such subsection.

7 **SEC. 4107. NEXTGEN TRANSITION MANAGEMENT.**

8 (a) IN GENERAL.—The Administrator shall—

9 (1) identify and analyze technical and oper-
10 ational maturity gaps in NextGen transition and im-
11 plementation plans; and

12 (2) develop a plan to mitigate the gaps identi-
13 fied in paragraph (1).

14 (b) REPORT.—Not later than 1 year after the date
15 of the enactment of this Act, the Administrator shall sub-
16 mit to the appropriate committees of Congress a report
17 on the actions taken to carry out the plan required by
18 subsection (a)(2).

19 **SEC. 4108. IMPLEMENTATION OF NEXTGEN OPERATIONAL**
20 **IMPROVEMENTS.**

21 (a) IN GENERAL.—To help ensure that NextGen
22 operational improvements are fully implemented in the
23 midterm, the Administrator shall—

24 (1) work with airlines and other users of the
25 national airspace system (referred to in this section

1 as “NAS”) to develop and implement a system to
2 systematically track the use of existing performance
3 based navigation (referred to in this section as
4 “PBN”) procedures;

5 (2) require consideration of other key oper-
6 ational improvements in planning for NextGen im-
7 provements, including identifying additional
8 metroplexes for PBN projects, non-metroplex PBN
9 procedures, as well as the identification of unused
10 flight routes for decommissioning;

11 (3) develop and implement guidelines for ensur-
12 ing timely inclusion of appropriate stakeholders, in-
13 cluding airport representatives, in the planning and
14 implementation of NextGen improvement efforts;
15 and

16 (4) assure that NextGen planning documents
17 provide stakeholders information on how and when
18 operational improvements are expected to achieve
19 NextGen goals and targets.

20 (b) REPORT.—Not later than 1 year after the date
21 of the enactment of this Act, the Administrator shall sub-
22 mit to the appropriate committees of Congress a report
23 on the progress made toward implementing the require-
24 ments of subsection (a), and on the schedule and process
25 that will be used to implement PBN at additional airports,

1 including information on how the Administration will part-
2 ner and coordinate with private industry to ensure expedi-
3 tious implementation of performance based navigation.

4 **SEC. 4109. CYBERSECURITY.**

5 (a) IN GENERAL.—The Administrator shall—

6 (1) identify and implement ways to better incor-
7 porate cybersecurity measures as a systems char-
8 acteristic at all levels and phases of the architecture
9 and design of air traffic control programs, including
10 NextGen programs;

11 (2) develop a threat model that will identify
12 vulnerabilities to better focus resources to mitigate
13 cybersecurity risks;

14 (3) develop an appropriate plan to mitigate cy-
15 bersecurity risk, to respond to an attack, intrusion,
16 or otherwise unauthorized access and to adapt to
17 evolving cybersecurity threats; and

18 (4) foster a cybersecurity culture throughout
19 the Administration, including air traffic control pro-
20 grams and relevant contractors.

21 (b) REPORT.—Not later than 1 year after the date
22 of the enactment of this Act, the Administrator shall sub-
23 mit to the appropriate committees of Congress a report
24 on the progress made toward implementing the require-
25 ments under subsection (a).

1 **SEC. 4110. DEFINING NEXTGEN.**

2 Not later than 1 year after the date of the enactment
3 of this Act, the Comptroller General of the United States
4 shall—

5 (1) assess how the line items included in the
6 Administration's NextGen budget request relate to
7 the goals and expected outcomes of NextGen, includ-
8 ing how NextGen programs directly contribute to a
9 measurably safer and more efficient air traffic con-
10 trol system; and

11 (2) submit to the appropriate committees of
12 Congress a report on the results of the assessment
13 under paragraph (1), including any recommenda-
14 tions for the removal of line items that do not per-
15 tain to the overall vision for NextGen.

16 **SEC. 4111. HUMAN FACTORS.**

17 (a) IN GENERAL.—In order to avoid having to subse-
18 quently modify products and services developed as a part
19 of NextGen, the Administrator shall—

20 (1) recognize and incorporate, in early design
21 phases of all relevant NextGen programs, the human
22 factors and procedural and airspace implications of
23 stated goals and associated technical changes; and

24 (2) ensure that a human factors specialist, sep-
25 arate from the research and certification groups, is
26 directly involved with the NextGen approval process.

1 (b) REPORT.—Not later than 1 year after the date
2 of the enactment of this Act, the Administrator shall sub-
3 mit to the appropriate committees of Congress a report
4 on the progress made toward implementing the require-
5 ments under subsection (a).

6 **SEC. 4112. MAJOR ACQUISITION REPORTS.**

7 (a) IN GENERAL.—The Administrator shall evaluate
8 the current acquisition practices of the Administration to
9 ensure that such practices—

10 (1) identify the current estimated costs for each
11 acquisition system, including all segments;

12 (2) separately identify cumulative amounts for
13 acquisition costs, technical refresh, and other en-
14 hancements in order to identify the total baselined
15 and re-baselined costs for each system; and

16 (3) account for the way funds are being used
17 when reporting to managers, Congress, and other
18 stakeholders.

19 (b) REPORT.—Not later than 1 year after the date
20 of the enactment of this Act, the Administrator shall sub-
21 mit to the appropriate committees of Congress a report
22 on the progress made toward implementing the require-
23 ments under subsection (a).

1 **SEC. 4113. EQUIPAGE MANDATES.**

2 (a) IN GENERAL.—Before NextGen-related equipage
3 mandates are imposed on users of the national airspace
4 system, the Administrator, in collaboration with all rel-
5 evant stakeholders, shall—

6 (1) provide a statement of estimated cost and
7 benefits that is based upon mature and stable tech-
8 nical specifications; and

9 (2) create a schedule for Administration
10 deliverables and investments by both users and the
11 Administration, including for procedure and airspace
12 design, infrastructure deployment, and training.

13 **SEC. 4114. WORKFORCE.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of the enactment of this Act, the Administrator
16 shall—

17 (1) identify and assess barriers to attracting,
18 developing, training, and retaining a talented work-
19 force in the areas of systems engineering, architec-
20 ture, systems integration, digital communications,
21 and cybersecurity;

22 (2) develop a comprehensive plan to attract, de-
23 velop, train, and retain talented individuals; and

24 (3) identify the resources needed to attract, de-
25 velop, and retain this talent.

1 (b) REPORT.—The Administrator shall submit to the
2 appropriate committees of Congress a report on the
3 progress made toward implementing the requirements
4 under subsection (a).

5 **SEC. 4115. ARCHITECTURAL LEADERSHIP.**

6 (a) IN GENERAL.—In order to provide an adequate
7 technical foundation for steering NextGen’s technical gov-
8 ernance and managing inevitable changes in technology
9 and operations, the Administrator shall—

10 (1) develop a plan that—

11 (A) uses an architecture leadership com-
12 munity and an effective governance approach to
13 assure a proper balance between documents and
14 artifacts and to provide high-level guidance;

15 (B) enables effective management and
16 communication of dependencies;

17 (C) provides flexibility and the ability to
18 evolve to ensure accommodation of future
19 needs; and

20 (D) communicates changing circumstances
21 in order to align agency and airspace user ex-
22 pectations;

23 (2) determine the feasibility of conducting a
24 small number of experiments among the Administra-
25 tion’s system integration partners to prototype can-

1 didate solutions for establishing and managing a vi-
2 brant architectural community; and

3 (3) develop a method to initiate, grow, and en-
4 gage a capable architecture community, from both
5 within and outside of the Administration, who will
6 expand the breadth and depth of expertise that is
7 steering architectural changes.

8 (b) REPORT.—Not later than 1 year after the date
9 of the enactment of this Act, the Administrator shall sub-
10 mit to the appropriate committees of Congress a report
11 on the progress made toward implementing the require-
12 ments under subsection (a).

13 **SEC. 4116. PROGRAMMATIC RISK MANAGEMENT.**

14 (a) IN GENERAL.—To better inform the Administra-
15 tion’s decisions regarding the prioritization of efforts and
16 allocation of resources for NextGen, the Administrator
17 shall—

18 (1) solicit input from specialists in probability
19 and statistics to identify and prioritize the pro-
20 grammatic and implementation risks to NextGen;
21 and

22 (2) develop a method to manage and mitigate
23 the risks identified in paragraph (1).

24 (b) REPORT.—Not later than 1 year after the date
25 of the enactment of this Act, the Administrator shall sub-

1 mit to the appropriate committees of Congress a report
2 on the progress made toward implementing the require-
3 ments under subsection (a).

4 **Subtitle B—Administration** 5 **Organization and Employees**

6 **SEC. 4121. COST-SAVING INITIATIVES.**

7 (a) **IN GENERAL.**—To ensure that Administration
8 initiatives are being implemented in a timely and fiscally
9 responsible manner, the Administrator shall—

10 (1) identify and implement agencywide cost-sav-
11 ing initiatives; and

12 (2) develop appropriate schedules and metrics
13 to measure whether the initiatives are successful in
14 reducing costs.

15 (b) **REPORT.**—Not later than 1 year after the date
16 of the enactment of this Act, the Administrator shall sub-
17 mit to the appropriate committees of Congress a report
18 on the progress made toward implementing the require-
19 ments under subsection (a).

20 **SEC. 4122. TREATMENT OF ESSENTIAL EMPLOYEES DURING** 21 **FURLOUGHS.**

22 (a) **DEFINITION OF ESSENTIAL EMPLOYEE.**—In this
23 section, the term “essential employee” means an employee
24 of the Administration who performs work involving the

1 safety of human life or the protection of property, as de-
2 termined by the Administrator.

3 (b) IN GENERAL.—In implementing spending reduc-
4 tions under Federal law, the Administrator may furlough
5 1 or more employees of the Administration, except an es-
6 sential employee, if the Administrator determines the fur-
7 lough is necessary to achieve the required spending reduc-
8 tions.

9 (c) TRANSFER OF BUDGETARY RESOURCES.—The
10 Administrator may transfer budgetary resources within
11 the Administration to carry out subsection (b), except that
12 the transfer may only be made to maintain essential em-
13 ployees.

14 **SEC. 4123. CONTROLLER CANDIDATE INTERVIEWS.**

15 (a) IN GENERAL.—Not later than 60 days after the
16 date of the enactment of this Act, the Administrator shall
17 require that an in-person interview be conducted with each
18 individual applying for an air traffic control specialist po-
19 sition before that individual may be hired to fill that posi-
20 tion.

21 (b) GUIDANCE.—Not later than 30 days after the
22 date of the enactment of this Act, the Administrator shall
23 establish guidelines regarding the in-person interview
24 process described in subsection (a).

1 **SEC. 4124. HIRING OF AIR TRAFFIC CONTROLLERS.**

2 Section 44506 is amended by adding at the end the
3 following:

4 “(f) HIRING OF CERTAIN AIR TRAFFIC CONTROL
5 SPECIALISTS.—Notwithstanding section 3307 of title 5,
6 United States Code, the maximum limit of age for an
7 original appointment to a position as an air traffic con-
8 troller shall be 35 years of age for those with a minimum
9 of 52 weeks experience after receipt of an air traffic cer-
10 tification or air traffic control facility rating in a civilian
11 or military air traffic control facility.”.

12 **TITLE V—MISCELLANEOUS**

13 **SEC. 5001. NATIONAL TRANSPORTATION SAFETY BOARD IN-**
14 **VESTIGATIVE OFFICERS.**

15 Section 1113 is amended by striking subsection (h).

16 **SEC. 5002. PERFORMANCE-BASED NAVIGATION.**

17 Section 213(c) of the FAA Modernization and Re-
18 form Act of 2012 (Public Law 112–95; 49 U.S.C. 40101
19 note) is amended by adding at the end the following:

20 “(3) NOTIFICATIONS AND CONSULTATIONS.—

21 Not later than 90 days before applying a categorical
22 exclusion under this subsection to a new procedure
23 at an OEP airport, the Administrator shall—

24 “(A) notify and consult with the operator
25 of the airport at which the procedure would be
26 implemented; and

1 “(B) consider consultations or other en-
2 gagement with the community in the which the
3 airport is located to inform the public of the
4 procedure.

5 “(4) REVIEW OF CERTAIN CATEGORICAL EX-
6 CLUSIONS.—

7 “(A) IN GENERAL.—The Administrator
8 shall review any decision of the Administrator
9 made on or after February 14, 2012, and be-
10 fore the date of the enactment of this para-
11 graph to grant a categorical exclusion under
12 this subsection with respect to a procedure to
13 be implemented at an OEP airport that was a
14 material change from procedures previously in
15 effect at the airport to determine if the imple-
16 mentation of the procedure had a significant ef-
17 fect on the human environment in the commu-
18 nity in which the airport is located if the oper-
19 ator of that airport—

20 “(i) requests such a review; and

21 “(ii) demonstrates that there is good
22 cause to believe that the implementation of
23 the procedure had such an effect.

24 “(B) CONTENT OF REVIEW.—If, in con-
25 ducting a review under subparagraph (A) with

1 respect to a procedure implemented at an OEP
2 airport, the Administrator, in consultation with
3 the operator of the airport, determines that im-
4 plementing the procedure had a significant ef-
5 fect on the human environment in the commu-
6 nity in which the airport is located, the Admin-
7 istrator shall—

8 “(i) consult with the operator of the
9 airport to identify measures to mitigate the
10 effect of the procedure on the human envi-
11 ronment; and

12 “(ii) in conducting such consultations,
13 consider the use of alternative flight paths
14 that do not substantially degrade the effi-
15 ciencies achieved by the implementation of
16 the procedure being reviewed.

17 “(C) HUMAN ENVIRONMENT DEFINED.—

18 In this paragraph, the term ‘human environ-
19 ment’ has the meaning given such term in sec-
20 tion 1508.14 of title 40, Code of Federal Regu-
21 lations (as in effect on the day before the date
22 of the enactment of this paragraph).”.

23 **SEC. 5003. OVERFLIGHTS OF NATIONAL PARKS.**

24 Section 40128 is amended—

1 (1) in subsection (a)(3), by striking “the” be-
 2 fore “title 14”; and

3 (2) by amending subsection (f) to read as fol-
 4 lows:

5 “(f) TRANSPORTATION ROUTES.—

6 “(1) IN GENERAL.—This section shall not apply
 7 to any air tour operator while flying over or near
 8 any Federal land managed by the Director of the
 9 National Park Service, including Lake Mead Na-
 10 tional Recreation Area, solely as a transportation
 11 route, to conduct an air tour over the Grand Canyon
 12 National Park.

13 “(2) EN ROUTE.—For purposes of this sub-
 14 section, an air tour operator flying over the Hoover
 15 Dam in the Lake Mead National Recreation Area en
 16 route to the Grand Canyon National Park shall be
 17 deemed to be flying solely as a transportation
 18 route.”.

19 **SEC. 5004. NAVIGABLE AIRSPACE ANALYSIS FOR COMMER-**
 20 **CIAL SPACE LAUNCH SITE RUNWAYS.**

21 (a) IN GENERAL.—Section 44718(b)(1) is amend-
 22 ed—

23 (1) by striking “air navigation facilities and
 24 equipment” and inserting “air or space navigation
 25 facilities and equipment”;

1 (2) in subparagraph (D), by striking “; and”
2 and inserting a semicolon;

3 (3) in subparagraph (E), by striking the period
4 at the end and inserting “; and”; and

5 (4) by adding at the end the following:

6 “(F) the impact on launch and reentry for
7 launch and reentry vehicles arriving or depart-
8 ing from a launch site or reentry site licensed
9 by the Secretary.”.

10 (b) RULEMAKING.—Not later than 18 months after
11 the date of enactment of this Act, the Administrator of
12 the Federal Aviation Administration shall initiate a rule-
13 making to implement the amendments made by subsection
14 (a).

15 **SEC. 5005. SURVEY AND REPORT ON SPACEPORT DEVELOP-**
16 **MENT.**

17 Not later than 1 year after the date of enactment
18 of this Act, the Comptroller General of the United States
19 shall submit to the appropriate committees of Congress
20 a report on the existing system of spaceports licensed by
21 the Federal Aviation Administration that includes rec-
22 ommendations regarding—

23 (1) the extent to which, and the manner in
24 which, the Federal Government could participate in

1 the construction, improvement, development, or
2 maintenance of such spaceports; and

3 (2) potential funding sources.

4 **SEC. 5006. AVIATION FUEL.**

5 (a) USE OF UNLEADED AVIATION GASOLINE.—The
6 Administrator of the Federal Aviation Administration
7 shall allow the use of an unleaded aviation gasoline in an
8 aircraft as a replacement for a leaded gasoline if the Ad-
9 ministrator—

10 (1) determines that the unleaded aviation gaso-
11 line qualifies as a replacement for an approved lead-
12 ed gasoline;

13 (2) identifies the aircraft and engines that are
14 eligible to use the qualified replacement unleaded
15 gasoline; and

16 (3) adopts a process (other than the traditional
17 means of certification) to allow eligible aircraft and
18 engines to operate using qualified replacement un-
19 leaded gasoline in a manner that ensures safety.

20 (b) TIMING.—The Administrator shall adopt the
21 process described in subsection (a)(3) not later than 180
22 days after the later of—

23 (1) the date on which the Administration com-
24 pletes the Piston Aviation Fuels Initiative; or

1 (2) the date on which the American Society for
2 Testing and Materials publishes a production speci-
3 fication for an unleaded aviation gasoline.

4 **SEC. 5007. COMPREHENSIVE AVIATION PREPAREDNESS**
5 **PLAN.**

6 (a) **IN GENERAL.**—No later than 1 year after the
7 date of enactment of this Act, the Secretary of Transpor-
8 tation and the Secretary of Health and Human Services,
9 in coordination with the Secretary of Homeland Security,
10 the Secretary of Labor, the Secretary of State, the Sec-
11 retary of Defense, and representatives of other Federal de-
12 partments and agencies, as necessary, shall develop a com-
13 prehensive national aviation communicable disease pre-
14 paredness plan.

15 (b) **MINIMUM COMPONENTS.**—The plan developed
16 under subsection (a) shall—

17 (1) be developed in consultation with other rel-
18 evant stakeholders, including State, local, tribal, and
19 territorial governments, air carriers, first respond-
20 ers, and the general public;

21 (2) provide for the development of a commu-
22 nications system or protocols for providing com-
23 prehensive, appropriate, and up to date information
24 regarding communicable disease threats and pre-
25 paredness between all relevant stakeholders;

1 (3) document the roles and responsibilities of
2 relevant Federal department and agencies, including
3 coordination requirements;

4 (4) provide guidance to air carriers, airports,
5 and other appropriate aviation stakeholders on how
6 to develop comprehensive communicable disease pre-
7 paredness plans for their respective organizations, in
8 accordance with the plan to be developed under sub-
9 section (a);

10 (5) be scalable and adaptable so that the plan
11 can be used to address the full range of commu-
12 nicable disease threats and incidents;

13 (6) provide information on communicable
14 threats and response training resources for all rel-
15 evant stakeholders, including Federal, State, local,
16 tribal, and territorial government employees, airport
17 officials, aviation industry employees and contrac-
18 tors, first responders, and health officials;

19 (7) develop protocols for the dissemination of
20 comprehensive, up to date, and appropriate informa-
21 tion to the traveling public concerning communicable
22 disease threats and preparedness;

23 (8) be updated periodically to incorporate les-
24 sons learned with supplemental information; and

1 (9) be provided in writing, electronically, and
2 accessible via the Internet.

3 (c) INTERAGENCY FRAMEWORK.—The plan devel-
4 oped under subsection (a) shall—

5 (1) be conducted under the existing interagency
6 framework for national level all hazards emergency
7 preparedness planning or another appropriate frame-
8 work; and

9 (2) be consistent with the obligations of the
10 United States under international agreements.

11 **SEC. 5008. ADVANCED MATERIALS CENTER OF EXCEL-**
12 **LENCE.**

13 (a) IN GENERAL.—Chapter 445 is amended by add-
14 ing at the end the following:

15 **“§ 44518. Advanced Materials Center of Excellence**

16 “(a) IN GENERAL.—The Administrator of the Fed-
17 eral Aviation Administration shall develop an Advanced
18 Materials Center of Excellence (referred to in this section
19 as the ‘Center’), which shall focus on applied research and
20 training on the durability and maintainability of advanced
21 materials in transport airframe structures.

22 “(b) RESPONSIBILITIES.—The Center shall—

23 “(1) promote and facilitate collaboration among
24 academia, the Transportation Division of the Fed-
25 eral Aviation Administration, and the commercial

1 aircraft industry, including manufacturers, commer-
2 cial air carriers, and suppliers; and

3 “(2) establish goals set to advance technology,
4 improve engineering practices, and facilitate con-
5 tinuing education in relevant areas of study.

6 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to the Administrator
8 \$500,000 for each of the fiscal years 2016 to 2017 to
9 carry out this section.”.

10 (b) TABLE OF CONTENTS.—The table of contents for
11 chapter 445 is amended by adding at the end the fol-
12 lowing:

“44518. Advanced Materials Center of Excellence.”.

13 **SEC. 5009. INTERFERENCE WITH AIRLINE EMPLOYEES.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, the Comptroller General
16 of the United States shall—

17 (1) complete a study of crimes of violence (as
18 defined in section 16 of title 18, United States
19 Code) committed against airline customer service
20 representatives while they are performing their du-
21 ties and on airport property; and

22 (2) submit the findings of the study, including
23 any recommendations, to Congress.

24 (b) GAP ANALYSIS.—The study shall include a gap
25 analysis to determine if State and local laws and resources

1 are adequate to deter or otherwise address the crimes of
2 violence described in subsection (a) and recommendations
3 on how to address any identified gaps.

4 **SEC. 5010. TECHNICAL AND CONFORMING AMENDMENTS.**

5 (a) AIRPORT CAPACITY ENHANCEMENT PROJECTS
6 AT CONGESTED AIRPORTS.—Section 40104(c) is amended
7 by striking “47176” and inserting “47175”.

8 (b) CONSULTATION ON CARRIER RESPONSE NOT
9 COVERED BY PLAN.—Section 41313(c)(16) is amended by
10 striking “the foreign air carrier will consult” and inserting
11 “will consult”.

12 (c) WEIGHING MAIL.—Section 41907 is amended by
13 striking “and –administrative” and inserting “and admin-
14 istrative”.

15 (d) FLIGHT ATTENDANT CERTIFICATION.—Section
16 44728 is amended—

17 (1) in subsection (e), by striking “chapter” and
18 inserting “title”; and

19 (2) in subsection (d)(3), by striking “is” and
20 inserting “be”.

21 (e) SCHEDULE OF FEES.—Section 45301(a)(1) is
22 amended by striking “United States government” and in-
23 serting “United States Government”.

1 (f) CLASSIFIED EVIDENCE.—Section 46111(g)(2)(A)
2 is amended by striking “(18 U.S.C. App.)” and inserting
3 “(18 U.S.C. App.)”.

4 (g) ALLOWABLE COST STANDARDS.—Section
5 47110(b)(2) is amended—

6 (1) in subparagraph (B), by striking
7 “compatability” and inserting “compatibility”; and

8 (2) in subparagraph (D)(i), by striking “cli-
9 mactic” and inserting “climatic”.

10 (h) DEFINITION OF QUALIFIED HUBZONE SMALL
11 BUSINESS CONCERN.—Section 47113(a)(3) is amended
12 by striking “(15 U.S.C. 632(o))” and inserting “(15
13 U.S.C. 632(p))”.

14 (i) DISCRETIONARY FUND.—Section 47115 is
15 amended—

16 (1) by striking subsection (i); and

17 (2) by redesignating subsection (j) as sub-
18 section (i).

19 (j) SPECIAL APPORTIONMENT CATEGORIES.—Section
20 47117(e)(1)(B) is amended by striking “at least” and in-
21 serting “At least”.

22 (k) SOLICITATION AND CONSIDERATION OF COM-
23 MENTS.—Section 47171(l) is amended by striking “4371”
24 and inserting “4321”.

1 (l) OPERATIONS AND MAINTENANCE.—Section
2 48104 is amended by striking “(a) AUTHORIZATION OF
3 APPROPRIATIONS.—the” and inserting “The”.

4 (m) EXPENDITURES FROM AIRPORT AND AIRWAY
5 TRUST FUND.—Section 9502(d)(2) of the Internal Rev-
6 enue Code of 1986 is amended by striking “farms” and
7 inserting “farms)”.

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